1951.

File No. B. Police / 51

Legal Dept

B **BRANCH**

K

Subject:—

L.A Bill No. XLIII of 1950

The Bombay Police Bill, 1950

(Pts I, II & III bound together)

Bom Act No. XXII of 1951

P-185

File No. B. Police / 51.

Gen. 194 e.

Legal Department.

A revised draft Police Bill is sent herewith

The whole Bill has been rearanged with a vie to bringing all provisions bearing on similar ma under the same Chapter. More definitions have al been added with a view to simplifying the Bill. 66 of the draft Bill contains some provision whi are opposed to the fundamental right and have bee deleted.

Caluse 46 of the Home Department draft Bill corresponds to section 2 of the Bombay Public Secur ity Measures Act,1947. The question whether some of the provisions of the Bombay Public Security Measures Act,1947, incouding the provisions of sec. 2 should be incorporated in the consolidated Police Bill was referred separately to the Legal Departmen and it was advised in L.D.U.R.No.57 Confl. dated th 20th January 1950 that such provisions should not be [illegible] included in the General Police Law. The said clause has, therefore, been omitted from this Bill.

The H.D. draft Bill authorities the Commissioners of the Divisions to exercise certain powers under the Bill. As the posts of the Commissioners of Divisions are being abolished by another Bill w ich has been passed by the Legislture, these power may now be exercised by the State Covernment. The Bill provides accordingly. Clause 12 of the Bill on the lines of section 11 of the City of Bombay Police Act has been newly inserted.

Under the existing City of Bbmbay Police Act 1902 and the Bombay District Police Act,1890, the [illegible] recoverable.....

recoverable by an addition to the general or property tax which are levied and recovered by the local authorities. The same provision is now contained in clauses 51 and 52 of the draft Bill. Under section 10 A of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947. landlords are not entitled to make after 31-3-1949 any increase in the rent of any premises situate in Bombay City and certain urban areas mentioned therein. Section 10B of the said Act, inserted by Bombay Act of 1959, however, enables landlords in Greater Bombay to recover the amount of riot tax (but not the cost on account of the additional police) paid of them. As the said Act prohibits the recovery of such sum in areas specified in Schedule III of the Act it is necessary that a general provision on the lines of section 10B should be inserted in the Bill. Clause 54A provides accordingly.

The subject matter of the Bill falls under Entries 1,2,3,6,10,16,28,29,31,33,34,64,65, and 66 in the List II and entries 2, 17, and 47 in List III of the Seventh Schedule to the Constitution of India. As the Bill would involve expenditure from the Consolidated Fund of the State, it requires recommendation of the Governor under Article 207(3) of the Constitution of India. As the Bill contains provisions regugnant to the existing law with respect to matter enumerated in Entry 2, in the Concurrent List it requires to be reserved for the consideration of the President to be reserved for the consideration of the President under artile 254(2) of the Constitution of India. The H.D. should attach a suitable statement of Objects and Reasons to the Bill. The Bill also requires the previous concurrence of the Central Government.

Sd/J.R.D.

Additional Secretary to Government

EKN.25/7/ J.R. to H.D.No.9367,dated the 6th July 1950.

Legal Department.

A revised draft Police Bill in place of H.D. draft has already been sent to H.D. under this Department's U.R.No.9367, dated 6-7-50. Clause 95 of that Bill corresponds to clause 66 of the H.D draft but sub-clause (1) of clause 66 of the H.D. draft with corresponded to sub-section (2) of section 87 of the City of Bombay Police Act has already been omitted from the Bill in view of its being repugnant to the Constitution of India. The revised draft Bill does not now contain any provision similar to sub-section (2) of section 87 of the City of Bombay Police Act.

2. Paragraph (ii) of sub-clause (1) of clause 95 of the revised Bill which corresponds to paragraphs (ii) of sub-clause (1) of clause 66 of the H.D. draft Bill has been kept intact as it appears to be the intention of Government to empowe the Presidency Aggistrate to authorise the detention of an accused person in such custody as he thinks fit for a term not exceeding fifteen days at a time. In the mofussil an accused person can be so detained under section 167 (2) of the Criminal Procedure Code for a term not exceeding fifteen days in the whole. Perhaps H.D. wants this special provision in Greater Bombay.

Sd/J.R.D.

Additional Secretary to Govt.

U.R. to H.D.No.9855,dated 13th July 1950.

EKN.25/7/

Legal Department.

The Armed Forces (Emergency Duties)Act,1947, provides for two things-

(1) first, a notification by the Central Government declaring any specified service in a rovince to be a service of vital importance to the community; and

(2) secondly, the employment of members of Armed Forces of the Union in connection with the service specified.

2. Under the said Act the State Government has to approach the Central Government for the issue of a notification and the employment Armed Forces. As there does not exist any law under which the State Government has power to employ the police force in connection with any essential service which is considered to be of vital importance to the community it is expedient to enact a law on the subject. Such a law would be covered by entries 1 and 2 in list II in the Seventh Schedule to the Constitution of India.

3. A provision on the lines of the Central Act can be suitably inserted after clause 54A in the draft police Bill as Chapter V which includes clause 54A relates to special measures for maintenance of public order and safety of State.

Sd/J.R-D.

Additional Secretary to Government.

U.R. to H.D.No.630-Confl dated the 19th August 1950.

EKN.25/7/

Legal Department.

The necessary clause has been inserted in the Police Bill as clause 86A under Chapter VI which relates to executive powers and duties of the Police.

It is now proposed to appoint a Commissioner of Police for the areas to be specified by the State Government. This area would be situate in a District and a District Magistrate or District Superintendent of Police should not exercise and perform their powers and duties in such area but that a Commissioner of Police should exercise and perform such powers in the area. It would therefore be advisable to insert, in addition to the amendments proposed, an additional clause providing generally that the area for which a Commissioner has been appointed under section 7 shall not be under the charge of the District Magistrate or the District Superintendent for any of the purposes of the Act notwithstanding the fact that such area forms part of a district within the territorial jurisdiction for which the District Magistrate or District Superintendent may have been appointed. It may be inserted as a proviso to clause 7.

The above two amendments and the other amendments informally agreed upon have been embodied in the copy sent herewith.

Sd/J.R.D.

Additional Secretary to Government.

U.R. to H.D.No.12323,dated the 28th August 1950.

EKN.25/7/

Legal Department.

Paragraph 6 of H.D. note at page 324 and Secretary H.D&s remarkk at page 329--Clause 12 of the Bill has been amended further to achieve the object in view.

2. Parag arh 7 of H.D. note and Secretary H.D's note at page 329--the High Court, it arpears from certain refent judgments, is not inclined to view with fatour any delegated legislation under the Act. It would therefore be xixrakixkaxxpxxxi desirable to specify in whatk manner the cost of additional police and the Riot Tax shall the recovered by the landlord from a tenant. It is understood from H.D. that 25% of the additional police cost or the Riot Tax, as the case may bre, is to be paid by the landlord and the remaining 75% is to be recovered by the land lord proportionately from the tenants in occupation of the premises during the period to which the additional cost or the Riot Tax, as the case may be, relates. A revised clause 54A is appended xcarrying out the above subject.

3. Paragraph 8 of H.D. note -- Clause 93 of the Bill has been amended in consultation with the Secretary H.D. It provides that the pound fee shall be such as the state Government may by a notification sp cify from time to time. This power includes the power to enhance or reduce the pound fee. As regards enhanced punishment for breach of offences under section 61A of the Bombay District Police Act it may be pointed out that the provisions of the Cattle Trespass Act, 1871, are being amended by Bill No.XXXIII of 1950. It is provided in clause 116 of the Bill that the provisions of the Cattle Trespass Act,1871 shall apply in the circumstances mentioned i that clause. As the provisions of the Cattle Trespass Act,1871, will be available it does not seem necessary to have similar provisions in this Bill.

4.....

4. The Secretary H.D. desires that a provision should be made in the Bill providing for the conditional of the externment order made under the variousx clauses of the Bill. A requisite amendmant is appended on the lines of section 44 of the Bombay Public Security Measures Act,1947. It should be insert ed as clause 624 in the Bill. It would bex necessary also to provide for a penalty for failure to surrender to the authority and at the time specified in the order. ~~It is also necessary to provide specified in the order.~~ It is also necessary to provide for a penalty in case a person permitted to return to the area for a temporary period fails to observe the conditions imposed upon him. The appended draft clauses 140A and 155 A providex for these two penalties.

5. Paragraph 12 of H.D. note at p.327 and Secretary H.D. note at page 330 --Clause 95 of the Bill corresponds to s ction 4 (1) of the Bombay City Police Act. The proposal of the H.D. to empower not only any Magistrate but an officer in charge of a section or any officer not below the rank of the Sub-Inspector authorised in that behalf to disperse an unlwful assembly. Under the scheme of the Bill the provisions of section 127 and 128 of the Code of Criminal procedure would apply to Greater Bombay. As the power to disperse an unlawful assembly is to be given to a Police Officer is not specified in section 127 and 128 of the Code of Criminal Procedure it is necessary to amend those two sections in their application to Greater Bombay so as to carry cut the intention of Government. The necessary draft is appended. It should be inserted as sub-section (3) to clause 95 of the Bill.

6. Paragraph 12 of the H.D. note and Secretary H.D's note at p.330 --Clause 152 of the Bill has been amended.....

amended to carry out the object in view.

7. Paragraph 14 of H.D, note---- the Proposal is to make a provision on the lines of section 61(3) of the Bombay District Police Act in connection with the gaming in astreetl Section 12 of the Bombay Prevention of Gambling Act, ~~already~~ 1887 already providing that a police officer may apprehend and search without a warrant any pers n found gaming of reasonably suspected to be gaming in any public street of thoroughfare or in any place to which the public have or are permitted to have an access or in any race course. That provision proposed to be made and it is not necessary to have a similar provision in this Bill.

8. In view of the fact that all the Police Officers will be the members of the Police Force and that in the case of subordinate ranks the certificate of appointment will not describe them as being appointed for one district no provision in respect of a transfer of a member of Police Force from one district to another is necessary.

9. It is understood that the intention of Government is that ~~in~~ a licence in respect of a place of amusement or entertainment should not be granted except with the previous sanction of Government. A licence is given under rules to be made by the Commissioner or the District Magistrate. Clause 33 may be amended as shown in the appended draft.

10. After all the amendments have been approved, the clauses of the Bill will have to be renumbered in a serival order.

Sd/J.R.D.

Additional Secretary to Government.

U.R. to H.D. No.669-Conf1 dated the 2nd September '50.

EKN.25/7/

Legal Dep rtment.

rticle 22 of the Constitution provides for all of the fundamental rights in regard to the personal liberty of an individual and aims at arrest and detention without a trial. As pointed out by the Government of India legislation in regard to the imposition of any restriction on the liberty of a member of a Police Force will have to be made by Parliament. Clause 28 of the Police Bill should therefore be dropped.

Sd/J.P.D.

Additional Secretary to Government.

U.R to H.D.No.17143,dated the 4th December 195.

EKN.25/7/

Legal Department.

The amendments suggested by the I.G.P. and agreed to by the Home Department are included in the amendments sent herewith. They will be considered by the Select Committee on the Police Bill;.

2. The view taken by the I.G.P. in para 15 of his note with reference to clause 32 is not correct It will be seen from the opening sentence of clause 24 that the Commissioner or the Inspector General has been empowered to make rules not inconsistent with the Act. Clause 32(1)(a) of the Bill specifically provides that a Police Officer occupying any premises provided by the State Government for his residence shall occupy the same subject to such conditions and terms as may, generally or in special case be specified by the State Government. If in virtue of these provision the State Government makes any order, the Commissioner or the Inspector General cannot make any rules under class 24 inconsistent with such orders.

3. The amendments suggested by the I.G.P. to clause 55 in para 22 of his note are not in order The expression "the additional costs" and "riot tax" need not exchange places as suggested by him. The further amendments suggested by him in this clause is also unnecessary.

4. The view taken by the I.G.P. in para 43 of his note that search warrants are covered by the word "warrant" is not correct. In section 139 of the City of Bombay Police Act both the words "warrants" or "seach warrants" are used in juxtaposition.

5. For the reasons given by the I.G.P. in para 32 of his note, clauses 101, 102,103,106 and 109 have been amended.

6. The Home Department in the linked file has approved the proposal of the Commissioner of Police that the ~~extension~~ externment order to be made under each of the clauses 56 to 58 should be for a uniform period of 2 years and not of indefinite period as provided in the aid clauses. The Home Department has also proposed that the provision contained in clause 59 which empowers a commissioner and the District Magistrate to extern a person who is not born in the area within his jurisdiction should be deleted. It is also intnded that the person should not be externed outside the state of Bombay. The necessary amendments have been included in the draft appended herewith. The Home Department may take steps to inform the Secretary, Legislative Department of the proposed amendments, so that necessary copies may be made by him for the use of the members of the Select Committee Clause 28 of the Bill is proposed to be deleted in view of the letter of the Government of India in the linked file which is being returned separately with a reply.

Sd/J.R.D.

Additional Secretary to Government.

U.R. to H.D.No.17144,dated the 4th December 1950 .

EKN.25/7/

Legal Department.

In view of the first letter of the Governm of India, Government suggested to the Select Committee to drop clause 28. Clause 28 has, there fore, been dropped.

2. The view taken in second sub-paragraph of paragraph 1 of the Government of India's letter is inconsistent with the view taken in sub-paragraph (1). If Article 22 does not apply to the post-conviction detention or detention in execution of a sentence, it is not clear how article 33 would be attracted, which in clear terms provides that Parliament may by law determine to what extent any of the fights conferred by Part III shall in their application to the members of the Armed Forces of the forces charged with the maintenance of public order be restricted or abrogated so as to ensure the proper discharge of the duties of the maintenance of discipline among them. These provisions would be attracted only if the fundamental rights under Part III would arise. In this view the question whether parliament or the State Legislature is competent to enact the provisions referred to would not arise at all. The power of the Parliament would come into operation only when it is held that the provisions contained in clause 28 of the Police Bill are in modification of the fundamental rights conferred by Article 22 of the Constitution of India.

are to be modified in their application to forces. If it is held that the post-conviction, detention or detention in execution of a sentence is not covered by article 22 no question of depriving a member of the Armed Forces of his Fundamental Rights under Pt. III

3. It may also be pointed out that the Bombay Police Bill, 1850, repeals both the City of Bombay Police Act,1902, and the Bombay District Police Act,1890. Under the two Acts there were two separate and distinct Police Forces. The Amending Bill purports to do away with these

forces and constitutes one Police Force for the Whole state. This is within the competence of the State Legislature. If therefore the two Police Forces are being done away with, the provisions regarding their discipline which is merely incidental cannot remain in force and in view of the decisions of the Privy Council in Prafulla Kumar Mukherjee v. Bank of Commerce Ltd.,Khulna (L.R.74 I.A.23) and other cases that provision can be repealed.

Sd/J. R.D.

Additional Secretary to Government.

U.R. to H.D.No.18388,dated the 29th December 1950. EKN.25/7/

Under the Riot (Damages) Act, 1886, (49 & 50 Vict. C.58) the claims for compensation are made to the Police Authority and the Police is authorised to raise the sum required to pay the riot compensation by means of a rate called the police rate. The principal sources of income of the Police fund are the rates and the Exchequer contribution of one-half of the net cost of the force (para. 488, Halsbury's Laws of England, Vol.25). In England the rate is levied not occasionally but annually. The rate is levied as a part of the general rate except in area partially within the metropolitan district where it is levied * as an additional item of the general rate. (Compare Rating Valuation Act, 1925, sec.2(5).)

See foot-note 'U' p.300 Halsbury's Laws of England.

2. In 1923, during the public rejoicings on peace night 1919, a crowd of people assembled together and did damage to a house by taking wood-work and floor-boards as fuel for bone-fire Claim for compensation was made by the owner of the house under the Riot (Damages) Act, 1886, and he was given compensation. (Field vs. Receiver for the Metropolitan Police District, II 1921 K.B-D., 344). In the year 1923, some shops situated in the military camp (which camp was temporarily raised for the accommodation and training of newly enlisted soldiers) were damaged by soldiers. The compensation was claimed under the Riot (Damages) Act, 1886, and the claim was allowed by the Court. (Pitcher vs. Surrey County Council, 1923, Col.II, K.B.D.p.57). In the third case

namely.....

namely, Field and cth rs vs. the Receiver of Metropolitan Police (1907) 2 K.B.D.P.853 where a wall of a building was damaged by youths, The damage was claimed under the Riot (Damages) Act,1886, and even though claim was allowed by the lower court, it w s disallowed in appeal on the grounnd that all the elements of a riot were not present in that p. ticular case.

3. In the United Stat. s of America similar Statutes have been enacted by some of the States and they have received elaborate judicial examination and been sustained as import-nt and beneficial police regulations. (Please see the following cases quoted at p.506, ~~Ruling~~s Cooley's Consitutional Limitations):-

1. Donoghue v. Philadelphia, 2 pa. St.230;
2. Commissioners of Kensiggtion v. Philadelphia, 13 Pa. St.76
3. Alleghany County v. Wilson, 90 Pa. St./397, 35 Am.Rep.670;
4. Darlington v. New York, 31, N.Y.164;
5. Ely v. Niagara Co;, 38 N.Y. 297;
6. Polson v. New Orleans, 23 La.Ann.936;
7. Street v. New Orleans, 32 La. Ann.926; 577
8. Underhill v. Manchester, 45 N.H,214;
9. Chadbourne v. New Castle, 48 N.H.196;
10. Chicago v. Manhattan Cement Co. 178 Ill. 372, 53 N.E.68 45 L,R.A. 848, St.321;
11. Chicago v. Sturges, 222 U.S.313, 56L. ed. 215, 32 sup. Ct. Rep.92,Ann Cas. 1913 B,1349;
12. Dawson Soap Co. v. Chicago, 234 Ill. 314, 84 N.E. 929,14 Ann. Cas. 1131;
13. Iola v. Birnbaum, 71 Kan. 600, 81 Pac. 198,6 Ann. Cas. 267;
14. Blakeman v. Wichita, 93 Kan. 444,144 Pac, 816,L.R.A. 1915 C, 578,Ann. Cas.1916 D.188;
15. Easter v. El. Dorado, 104 Kan. 57,177 Pac. 538,13 A.L.R.294.
16. Sauger v. Kansas City, 111 Kan.262, 206 Pac. 891,23 A.L.R.294;
17. Butte Miners' Union v. Butte, 58 Mont. 391, 194 Pac. 149 — 13 A.L.R. 746.

4.....

4. In British India, the principle for claiming and awarding compensation for riot damages and imposing punitive Police was introduced in the Police Act of 1861 in the year 1895 by the Police Amendment Act VIII of 1895. Sir Anthony Macdonell who was in charge of the Bill, stated that the provision regarding the cost of additional police was based on section 25 of the Bombay District Police Act which was based on the Riot (Damages) Act in England, (48-50 Vict. C.38) He observed.

"It will thus be seen that my proposal is merely an adpatation of an ancient and existing principle of English law to the circumstances of this country. I am not as a rule in favour of patching an old garment with new cloth or of mending an Indian law with materials borrowed from English practice. But here we are dealing with principles which are alike acceptable to the Western and Eastern spirit as being in accordance with justice and reason. It is indeed urged that the provision of the Bill is unnecessary, as the eixsting law affords to injured individuals a sufficient remedy by means of a civil action for damages. With that view I do not agree. The actual perpetrators of the injury committed by riotous crowed are usually unknown, and even if they were known, they are often bad characters and men of straw, while the sufferers are as a rule poor man who cannot pay the costs of a civil suit. To relegate them in such circumstances to the uncertain issues and expenses of a law suit is to give them no edress. I, therefore, regard this clause as a very valuable addition to the law in the interests of order.".

No. 4794,
Legal Department,
Bombay Castle, (Bombay No.1.)27th March 1951.

From

Shri. J.R.Dhurandhar,
Secretary to the Government of Bombay.

To

The Secretary to the Governor of Bombay.

Subject:- The Bombay Police Bill, 1951.

Sir,

With reference to article 200 of the Constitution of India, I am directed to forward herewith for being presented to His Excellency the Governor the authentic copy of the Bombay Police Bill, 1951, which was read forthe third time and passed at the meetings of the Bombay Legislative Assembly and the Bombay Legislative Council held on the 27th February 1951 and the 5th March 1951, respectively.

2. The subject-matter of the Bill falls under entries 1,2,3,6,10,16,28,29,31,33,34,64,65 and 66 in List II and entries 2,17 and 47 in List III in the Seventh Schedule to the Constitution of India. Bill contains provisions which are repugnant to the As the provisions of the Code of Criminal Procedure 1898, which is an existing law with respect to matters falling under entry 2 in the Concurrent List, and also to the provisions of the Bombay District Police Act,1890 and the City of Bombay Police Act 1902 in so far as they contain provisions with respect to matters falling under the said entry 2, it is necessary to reserve the Bill for the consideration of the President with reference to article 254(2) of the Constitution of India.

3. I also forward herewith six copies of each of the.....

1. Bill as introduced in the Bombay Legislative Assembly with the Statement of Objects and Reasons.
2. Bill as read for the third time and passed by the Bombay Legislative Council.
3. Extracts from the proceedings of the Bombay Legislative Assembly dated the 9th,12th,13th and 14th October 1950, 13th ,17th 21st 24th,26th and 27th February 1951 and of the Bombay Legislative ~~xxxxxx~~ Council dated the 5th March 1951.

of the items Nos. 1 and 2 ~~and 2~~ and two copies of item No. 3 of the papers noted in the margin.

Yours faithfully,

Sd/J;R.D.
26/3/

Secretary to Government.

Through:

The Secretary to the Government of Bombay,
Home Department.

V.25/7/

No. G.S.945.

FROM

Shri. L. M. Nadkarni, I.C.S.,
SECRETARY TO THE GOVERNOR OF BOMBAY.

TO

The Secretary to the Bombay Legislature Department,
Council Hall, Bombay .1.

GOVERNMENT HOUSE.

Bombay, 6. April 10 1951.

Subject: The Bombay Police Bill, 1950.

Sir,

With reference to the Bombay Police Bill, 1950, which was passed by the Bombay Legislative Assembly and the Bombay Legislative Council on February 27 and March 5, 1951, respectively, I am directed to state, for the information of the Honourable the Speaker and the Honourable the Chairman, that as the Bill contains provisions which are repugnant to the provisions of the code of Criminal Procedure, 1898, which is an existing law with respect to matters falling under entry 2 in the Concurrent Legislative List, and also to the provisions of the Bombay District Police, Act,1890, and the City of Bombay Police Act, 1902, in so far as they contain provisions with respect to matters falling under entry 2 in the Concurrent Legislative List, it is necessary to reserve the Bill for the consideration of the President the reference to Article 254(2) of the Constitution of India. His Excellency the Governor has accordingly been pleased, under Article 200 of the Constitution to declare that he reserves the Bill for the consideration of the President.

Yours faithfully,

L.M.Nadkarni.

Secretary to the Governor of Bombay.

No. G.S.-946
Office of the Secretary to the Governor,
Government House,
Bombay (6), April 10, 1951.

Copy forwarded with compliments for information to:-

The Secretary to the Government of Bombay, Legal Department, with reference to his letter No.5574, dated April 6, 1951.

The Secretary to the Government of Bombay, Home Department with reference to his endorsement No.8484/5-D, dated March 28, 1951.

EKN.25/7/

Secretary to the Governor of Bombay.

No. G.S.1475

FROM

THE PRIVATE SECRETARY TO THE GOVERNOR OF BOMBAY

To

The Secretary to Government,
Legal Department.

GOVERNMENT HOUSE.
Ganeshkhind, June 5, 1951.

poona.7.

Subject:- The Bombay Police Bill,1950.

Sir,

With reference to the correspondence ending with your letter No.8195, dated May 24, 1951, I am to say that intimation has been received from the Government of India, Ministry of Home Affairs, that the President assented to the Bombay Police Bill, 1950, on June 1851.

Yours faithfully,

For Secretary to Government

EKN.25/7/

ACTS.

Publication of the
Bombay Police Act,1951.

GOVERNMENT OF BOMBAY.
Legal Department.
Resolution No. 9164,
Bombay Castle, 11th June 1951.

Letter from the Secretary to the Governor, No.G.S.4794, dated the 27th March 1951.

Letter from the Secretary to the Gover or, No.G.S.1475, dated the 5th June 1951.

"With reference to the correspondence ending with your letter No.8195, dated May 24,1951, I am to say the intimation has been received from the Government of India, Ministry of Home Affairs, that the President assented to the Bombay Police Bill, 1950, on June 1, 1951."

RESOLUTION:- The law should be published as Bombay Act No. XXIIof 1951, in the Bombay Government Gazette dated the 11th June 1951.

2. The Act should be translated into Marathi,Gujarati, Kannada and Hindi (in devnagari script) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the Home Department.

By order of the Governor of Bombay,

S.L. CHAUDHARI,
Deputy Secretary to Government.

To

The Manager, Government Central Press,Bombay (with a copy of the Act and with a request that 30 Gazette copies of the Act may be forwarded to the Legal Department and 10 copies to the Home Department),

The Home Department,
*The Oriental Translator to Government,
The Bombay Legislature Department,
The Director of Publicity Bombay,
The Enquiry Officer for the Secretariat, Bombay.
---
with a copy of the Act.

EKN. 25/7/

* With four extra copies of the Act.

REGISTERED No. B-1

The

Bombay Government Gazette

PUBLISHED BY AUTHORITY

FRIDAY, 22ND SEPTEMBER 1950.

separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V

[To be translated into Marathi, Gujarati, Kannada and Hindi (in Devnagari script) and the translations to be published in the "Bombay Government Gazette". The dates of publication to be reported.]

The following Bill is published under the proviso to rule 80 of the Bombay Legislative Assembly Rules:—

L. A. BILL No. XLIII OF 1950.

A Bill to consolidate and amend the law for the regulation of the Police Force in the State of Bombay.

WHEREAS it is expedient to amalgamate the District and Greater Bombay Police Forces in the State of Bombay into one common Police Force and to introduce uniform methods regarding the working and control of the said Force throughout the State; And whereas it is necessary to consolidate and amend the

law relating to the regulation of the said Force and the exercise of powers and performance of functions by the State Government and by the members of the said Force for the maintenance of public order; And whereas it is necessary to provide for certain other purposes hereinafter appearing; It is hereby enacted as follows:—

CHAPTER I.

Preliminary.

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Police Act, 1950.

(*2*) It extends to the whole of the State of Bombay.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, specify in this behalf.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "cattle" includes elephants, camels, horses, asses, mules, sheep, goats and swine;

(*2*) "Corporation" means the Corporation constituted under the Bombay Municipal Corporation Act or the Bombay Provincial Municipal Corporation Act, 1949; Bom. III of 1888. Bom. LIX of 1949.

(*3*) the expression "competent authority" when used with reference to the exercise or performance of any power, duty or function under the provisions of this Act, means—

(*a*) in relation to "Greater Bombay", and other areas for which a Commissioner of Police is appointed under section 7, the Commissioner,

(*b*) in relation to the areas other than those referred to in clause (*a*), the District Magistrate or the District Superintendent or the Additional Superintendent when specially empowered in that behalf by the State Government;

(*4*) "constable" means a police officer of the lowest grade;

(*5*) "District" means a territorial division constituting a district for the purposes of the Code of Criminal Procedure, 1898, but does not include Greater Bombay; V of 1898.

(*6*) "Inspector-General", "Additional Inspector-General", "Commissioner", "Deputy Inspector-General", "Deputy Commissioner", "District Superintendent", "Additional Superintendent", "Assistant Superintendent", and "Deputy Superintendent" mean respectively the Inspector-General of Police, the Additional Inspector-General of Police, a Commissioner of Police including an Additional Commissioner of Police, a Deputy Inspector-General of Police, a Deputy Commissioner of Police, an Assistant Commissioner of Police, a District Superintendent of Police, an Additional Superintendent of Police, an Assistant Superintendent of Police, and a Deputy Superintendent of Police appointed or deemed to be appointed under this Act;

(*7*) "Municipality" means a municipality constituted under the Bombay Municipal Boroughs Act, 1925, or the Bombay District Municipal Act, 1901; Bom. XVIII of 1925. Bom. III of 1901.

(*8*) "place" includes a building, a tent, a booth or other erection, whether permanent or temporary, or any area whether enclosed or open;

(*9*) "place of public amusement" means any place where music, singing, dancing, or any diversion or game, or the means of carrying on the same, is provided and to which the public are admitted either on payment of money or with the intention that money may be collected from those admitted and includes a race course, circus, theatre, music hall, billiard room, bagatelle room, gymnasium, fencing school, swimming pool or dancing hall;

(*10*) "place of public entertainment" means any place to which the public are admitted, and where any kind of food or drink is supplied for consumption on the premises by any person owning or having an interest in or managing such place and includes a refreshment room, eating-house, coffee-house, liquor-house, boarding house, lodging house, hotel, tavern or wine, beer, spirit, arrack, toddy, ganja, bhang or opium shop;

(*11*) "Police officer" means any member of the Police Force appointed or deemed to be appointed under this Act and includes a special or an additional Police officer appointed under section 22 or 23;

(*12*) "prescribed" means prescribed by rules;

(*13*) "public place" includes the foreshore, the precincts of every public building or monument, and all places accessible to the public for drawing water, washing or bathing or for the purpose of recreation;

(*14*) "rules" means rules made under this Act;

(*15*) "street" includes any highway, bridge, way over a causeway, viaduct, arch, quay, or wharf of any road, lane, footway, square, court, alley or passage accessible to the public, whether a thoroughfare or not;

(*16*) "subordinate ranks" means members of the Police Force of and below the rank of the Inspector;

(*17*) "vehicle" means any carriage, cart, van, dray, truck, hand cart or other wheeled conveyance of any description and includes a bicycle, tricycle, automatic car, a vessel or an aeroplane.

CHAPTER II.

Superintendence, control and organisation of the Police Force.

One Police Force for the whole State.

3. There shall be one Police Force for the whole of the State:

Provided that the members of the Police Forces constituted under any of the Acts mentioned in the Schedule I, immediately before the coming into force of this Act, shall be deemed to be the members of the said Police Force.

4. The superintendence of the Police Force throughout the State vests in and is exercisable by the State Government and any control, direction or supervision exercisable by any officer over any member of the Police Force shall be exercisable subject to such superintendence.

Constitution of Police Force.

5. Subject to the provisions of this Act—

(*a*) the Police Force shall consist of such number in the several ranks and have such organization and such powers, functions and duties as the State Government may by general or special order determine;

(*b*) the recruitment, pay, allowances and all other conditions of service of the Police Force shall be such as may from time to time be determined by the State Government by general or special order:

Provided that—

(*i*) the rules or orders governing the recruitment, pay, allowances and other conditions of service of the members of the Police Force constituted under any of the acts mentioned in Schedule I and deemed to be the members of the Police Force under section 3 shall continue in force until altered or cancelled under clause (*b*) of this section,

(*ii*) nothing in this clause shall apply to the recruitment, pay, allowances and other conditions of service of the members of the Indian Police and Indian Police Service.

Inspector-General, Additional and Deputy Inspector-General.

6. (*1*) For the direction and supervision of the Police Force, the State Government shall appoint an Inspector-General of Police who shall exercise such powers and perform such functions and duties and shall have such responsibilities and such authority as may be provided by or under this Act or orders made by the State Government.

(*2*) (*a*) The State Government may appoint an Additional Inspector-General and one or more Deputy Inspectors-General of Police.

(*b*) The State Government may direct that such powers, functions and duties and such responsibilities and authority of the Inspector-General may be exercised, performed or discharged, as the case may be, by the Additional Inspector-General or a Deputy Inspector-General.

(*c*) The State Government may also by a general or special order direct that the Additional Inspector-General or Deputy Inspector-General shall assist and aid the Inspector-General in the performance, exercise and discharge of his powers, functions, duties, responsibilities and authority in such manner and to such extent as may be specified in the order.

Commissioner.

7. (*a*) The State Government may appoint a Police officer to be the Commissioner of Police for Greater Bombay or any other area specified in a notification issued by the State Government in this behalf and published in the *Official Gazette*.

(*b*) The State Government may also appoint an Additional Commissioner of Police for the areas specified in clause (*a*).

(*c*) The Commissioner shall exercise such powers, perform such functions and duties and shall have such responsibilities and authority as is provided by or under this Act or as may otherwise be directed by the State Government by a general or special order:

Provided that the State Government may direct that any of the powers, functions, duties, responsibilities or authority exercisable or to be performed or discharged by the Commissioner shall be exercised, performed or discharged subject to the control of the Inspector-General:

Provided further that the area for which a Commissioner has been appointed, under this section shall not, unless otherwise provided by or under this Act, be under the charge of the District Magistrate or the District Superintendent for any of the purposes of this Act, notwithstanding the fact that such area forms part of a district within the territorial jurisdiction for which the District Magistrate or the District Superintendent may have been appointed.

Appointment of District, Additional, Assistant and Deputy Superintendents.

8. (*1*) The State Government may appoint for each District or for a part of a District or for one or more Districts or the parts of a District a Superintendent and one or more Additional Superintendents and such Assistant and Deputy Superintendents of Police, as it may think expedient.

(*2*) The State Government may, by a general or special order, empower an Additional Superintendent to exercise and perform in the district for which he is appointed or in any part thereof, all or any of the powers, functions or duties to be exercised or performed by a District Superintendent under this Act or under any law for the time being in force.

(*3*) The District Superintendent may, with the previous permission of the State Government, delegate any of the powers and functions conferred on him by or under this Act to an Assistant or Deputy Superintendent.

Principal, Central Police Training School, Nasik.

9. The State Government may appoint any Police Officer not below the rank of a District Superintendent to be the Principal of the Central Police Training School, Nasik, and may assign to him such powers, functions and duties, as it may think fit.

Deputies and Assistants to Commissioner.

10. (*1*) The State Government may appoint one or more Deputy Commissioners and one or more Assistant Commissioners of Police in Greater Bombay.

(*2*) Every such Deputy or Assistant Commissioner shall, under the orders of the Commissioner, exercise and perform any of the powers, functions and duties of the Commissioner to be exercised or performed by him under the provisions of this Act or any other law for the time being in force, in accordance with the general or special orders of the State Government made in this behalf:

Provided that the powers to be exercised by the Commissioner under section 13 of 34 shall not be exercisable by a Deputy or Assistant Commissioner.

Superintendent in Greater Bombay.

11. (*1*) The State Government may appoint for Greater Bombay such number of Superintendents of Police as it may think expedient.

(*2*) The Superintendent appointed under sub-section (*1*) shall exercise such powers and perform such duties and functions as can be exercised or performed under the provisions of this Act or any other law for the time being in force or as are assigned to him by the Commissioner under the general or special orders of the State Government :

Provided that the powers to be exercised by the Commissioner under section 13 or 34 shall not be exercisable by the Superintendent.

Constitution of divisions and sections.

12. (*1*) Subject to the control of the State Government, the Commissioner for Greater Bombay shall—

(*a*) constitute within the Greater Bombay such and so many Police divisions,

(*b*) sub-divide the same into so many and such sections as to him shall seem fit, and

(*c*) define the limits and extent of such divisions and sections.

Officers in charge of divisions and sections.

(*2*) Each such division shall be in charge of a Superintendent of Police and each section shall be in charge of Inspector of Police.

Inspector-General and Commissioner to exercise the powers of First Class Magistrate and Presidency Magistrate.

13. (*1*) The Commissioner for Greater Bombay shall have the powers of the Presidency Magistrate in Greater Bombay and the Inspector-General in districts and the other Commissioners in areas under their respective charge shall exercise the powers of the First Class Magistrate under sections 94, 96, 97, 98, 523, 524 and 525 of the Code of Criminal Procedure, 1898, subject to such conditions and limitations as may be imposed by the State Government.

(*2*) Such powers may be exercised for the purpose of any investigation or other proceeding under this Act or the Code of Criminal Procedure, 1898.

V of 1898.

Certificate of appointment

14. (*1*) Every Police officer of and below the grade of Inspector, shall on appointment receive a certificate in form provided in the Schedule III. The certificate shall be issued under the seal of such officer as the State Government may by general or special order direct.

(*2*) A certificate of appointment shall become null and void whenever the person named therein ceases to belong to the Police Force or shall remain inoperative during the period within which such person is suspended from such Force.

Effect of suspension on Police officer.

15. The powers, functions and privileges invested in a Police officer shall be temporarily suspended, whilst such Police officer is suspended from office. Such Police officer shall not, by reason of such suspension, cease to be a Police officer, but shall continue subject to the same authorities, as if no such suspension had taken place.

General powers of Commissioner and District Superintendent.

16. The Commissioner, subject to the orders of the Inspector-General, and the District Superintendent, subject to orders of the Inspector-General and the District Magistrate, shall, within their respective spheres of authority, direct and regulate all matters of arms, drill, exercise, observation of persons and events, mutual relations, distribution of duties, study of laws, orders and modes of proceedings and all matters of executive detail or the fulfilment of their duties by the Police Force.

Control of District Magistrate over Police Force in district.

17. (*1*) The District Superintendent and the Police Force of a district shall be under the command and control of the District Magistrate.

(*2*) In exercising such command and control the District Magistrate shall be governed by such rules and orders as the State Government may make in this behalf.

(*3*) The Inspector-General shall be bound, in the rules and orders issued by him under this Act, to give furtherance to the purposes of sub-section (*1*).

Additional Police Force.

18. If at any time the District Magistrate or the Commissioner considers that there is, or on any particular occasion will be, pressing need for a Police Force that cannot be furnished by the Police Force in his own district or in the areas under their respective charge, as the case may be, he shall communicate with the Inspector-General. The Inspector-General shall, as far as possible, and subject to the orders of the State Government comply with the requisition of the District Magistrate or the Commissioner.

Power of District Magistrate to require reports from District Superintendent.

19. The District Magistrate may require from the District Superintendent reports, either particular or general, on any matter connected with the crimes, habitual offenders, the prevention of disorder, the regulation of assemblies and amusements, the distribution of the Police Force, the conduct and character of any Police officer subordinate to the District Superintendent, the utilization of auxiliary means and all other matters in furtherance of his control of the Police Force and the maintenance of order.

Power of supervision by District Magistrates.

20. If the District Magistrate observes any marked incompetence or unfitness for the locality or for his particular duties, in any Police officer subordinate to the District Superintendent, he may require the District Superintendent to substitute another officer for any officer whom he has power to transfer and the District Superintendent shall be bound to comply with the requisition :

Provided that if the Police officer concerned is an officer of the grade of the Inspector or of a higher grade, the District Magistrate may report his conduct to the Inspector-General. The Inspector-General may, thereafter, determine the action to be taken and pass such orders as he thinks fit, and shall communicate such action or order to the District Magistrate.

Power of Inspector-General and Commissioner to investigate, and regulate matters of Police accounts.

21. The Inspector-General, throughout the State and the Commissioner in the area for which he is appointed, shall, subject to the orders of the State Government, have authority to investigate and regulate all matters of account connected with the Police in the State or in the area, as the case may be, and all persons concerned shall be bound to give him reasonable aid and facilities in conducting such investigations and to conform to his orders consequent thereto.

Special Police officers.

22. (*1*) The Commissioner, the District Superintendent, or any Magistrate not lower in rank than that of second class specially empowered in this behalf by the State Government, may, at any time by a written order signed by himself and sealed with his own seal appoint any able-bodied male person between the ages of 18 and 50, whom he considers fit to be a Special Police officer to assist the Police Force on any occasion, when he has reason to apprehend the occurrence of any riot or grave disturbance of the peace within the limits of his charge and he is of opinion that the ordinary Police Force is not sufficient for the protection of the inhabitants and for the security of property.

(*2*) Every special Police Officer so appointed shall on appointment—

(*a*) receive a certificate in a form approved by the State Government in this behalf,

(*b*) have the same powers, privileges and immunities and be liable to the same duties and responsibilities and be subject to the same authorities as an ordinary Police officer.

Appointment of additional Police.

23. (*1*) Additional Police officers of such rank or grade for such time and on such pay as the authority specified by or under the provisions of this Act in that behalf may determine, may be employed or deputed for the purpose stated in such provisions.

(*2*) Every additional Police officer appointed, shall on appointment—

(*a*) receive a certificate in a form approved by the State Government in this behalf,

(*b*) be vested with all or such of the powers, privileges and duties of a Police officer as are specially mentioned in the certificate ; and

(*c*) be subject to the orders of the Commissioner or the District Superintendent, as the case may be.

(*3*) The employment or deputation of such additional Police officer may be made at the request of any person requiring such Police and the cost of such employment shall be recovered in such manner as is provided by or under this Act or under any other law for the time being in force.

CHAPTER III.

Regulation, Control and Discipline of the Police Force.

Framing of rules for administration of the Police.

24. Subject to the orders of the State Government, the Commissioner in the case of the Police Force allocated to Greater Bombay and other areas for which he has been appointed and the Inspector-General in the case of the Police Force allocated to other areas may make rules or orders not inconsistent with this Act or with any other enactment for the time being in force—

(*a*) regulating the inspection of the Police Force by his subordinates;

(*b*) determining the description and quantity of arms, accoutrements, clothing and other necessaries to be furnished to the Police;

(*c*) prescribing the places of residence of members of the Police Force;

(*d*) for institution, management and regulation of any Police fund for any purpose connected with police administration;

(*e*) regulating, subject to the provisions of section 17, the distribution, movements and location of the Police;

(*f*) assigning duties to Police officers of all ranks and grades, and prescribing—

(*i*) the manner in which, and

(*ii*) the conditions subject to which, they shall exercise and perform their respective powers and duties;

(*g*) regulating the collection and communication by the Police of intelligence and information;

(*h*) generally, for the purpose of rendering the Police efficient and preventing abuse or neglect of their duties.

Inspector-General or Commissioner may call for returns.

25. (*1*) The Inspector-General may, subject to the rules and orders of the State Government, call for such returns, reports and statements on subjects connected with the suppression of crime, the maintenance of order and the performance of their duties as his subordinates may be able to furnish to him. The Inspector-General shall communicate to the District Magistrate any general orders issued by him for the purposes aforesaid or in consequence of the information furnished to him, and also any orders which the State Government may direct.

(*2*) The Commissioner may subject as aforesaid with reference to the area under his charge call for such reports, returns and statements as are provided for in sub-section (*1*).

Punishment of the members of the subordinate ranks of the Police Force departmentally for neglect of duty, etc.

26. (*1*) The State Government, or any officer authorised by sub-section (*2*) in that behalf, may suspend, reduce, dismiss or remove any member of the subordinate ranks of the Police Force whom he shall think cruel, perverse, remiss or negligent in the discharge of his duty or unfit for the same, and may fine to an amount not exceeding one month's pay, any member of the subordinate ranks of the Police Force, who is guilty of any breach of discipline or misconduct or any act rendering him unfit for the discharge of his duty, which does not require his supension or dismissal.

Punitive powers of Inspector-General, Commissioner, Deputy Inspector-General and District Superintendent.

(*2*) (*a*) The Inspector-General, the Commissioner and the Deputy Inspector-General shall have authority to punish any member of the subordinate ranks of the Police Force of and below the grade of Inspector under sub-section (*1*). A District Superintendent shall have the like authority in respect of any Police officer subordinate to him below the grade of Inspector and may suspend an Inspector who is subordinate to him pending inquiry into a grave complaint against such Inspector and until an order of the Inspector-General or Deputy Inspector-General can be obtained.

(*b*) The Principal of the Central Police Training School, Nasik, shall also have the like authority in respect of any member of the subordinate ranks of the Police Force below the grade of Inspector serving under him, and in respect of head constables

and constables belonging to the Police Force of the Nasik District or of any other district attached to the said school for duty under him. He may also suspend an Inspector who is subordinate to him, pending inquiry into a grave complaint against such Inspector and until an order of the Inspector-General or Deputy Inspector-General can be obtained.

(c) But the exercise of any power conferred by this sub-section shall be subject always to such rules and orders as may be made by the State Government in that behalf.

(3) Nothing in sub-sections (1) and (2)—

(a) shall affect any Police officer's liability to a criminal prosecution for any offence with which he may be charged; or

(b) shall entitle any authority subordinate to that by which the Police officer was appointed, to dismiss or remove him.

Procedure to be observed in awarding punishment.

27. When any officer passes an order for fining, suspending, reducing, removing or dismissing a Police officer, he shall record such order or cause the same to be recorded, together with the reasons therefor and a note of the inquiry made, in writing, under his signature:

Provided that no such order shall be passed without giving him a reasonable opportunity of showing cause against the action proposed to be taken against him except in cases referred to in the proviso to clause (a) of Article 311 of the Constitution.

Departmental punishment for insubordination.

28. (1) The Inspector-General, the Commissioner, the Deputy Inspector-General and any District Superintendent and any Assistant or Deputy Superintendent may punish by confinement for a period not exceeding three days any Police officer below the rank of head constable who is, in his presence, grossly insubordinate or who is insolent to him.

(2) Every order for punishing a Police officer as aforesaid shall be recorded in the manner prescribed in section 27, and a copy of every such order made by a District Superintendent or an Assistant or Deputy Superintendent shall be forwarded by him to his immediate superior.

Police officers to be deemed to be always on duty and to be liable to employment in any part of the State.

29. (1) Every Police officer not on leave or under suspension shall for all purposes of this Act be deemed to be always on duty, and any Police officer or any number or body of Police officers allocated for duty in one part of the State may, if the State Government or the Inspector-General so direct, at any time be employed on Police duty in any other part of the State for so long as the services of the same may be there required.

Intimation of proposed transfers to be given by the Inspector-General to the Commissioner and District Magistrate.

(2) Timely intimation shall, except in cases of extreme urgency, be given to the Commissioner and the District Magistrate by the Inspector-General of any proposed transfer under this section, and, except, where secrecy is necessary, the reasons for the transfer shall be explained; whereupon the officers aforesaid and their subordinates shall give all reasonable furtherance to such transfer.

Under what conditions Police officer may resign.

30. (1) Unless with the written permission of the Commissioner or the Deputy Inspector-General, Criminal Investigation Department, or of the Principal of the Central Police Training School, Nasik, or of the District Superintendent or of some other Police officer empowered by the Inspector-General or the Commissioner to grant such permission, no Police officer of the subordinate ranks shall resign his

office or withdraw himself from the duties thereof, until (*a*) the expiration of two months after written notice of his intention so to do has been given by him to any of the aforesaid officers to whom he is subordinate and until, (*b*) he has fully discharged any debt due by him as such Police officer to Government or to any Police fund.

(*2*) If any such Police officer produces a certificate signed by the Police Surgeon or the Civil Surgeon declaring him to be unfit by reason of disease or mental or physical incapacity for further service in the Police, the necessary written permission to resign shall forthwith be granted to him on his discharging or giving satisfactory security for the payment of any debt due by him as such Police officer, to Government or to any Police fund.

Arrest of pay of a Police officer contravening this section may be forfeited.

(*3*) If any such Police officer as aforesaid resigns or withdraws himself from the duties of his office in contravention of this section, he shall be liable on the order of the Commissioner, or the Deputy Inspector-General, Criminal Investigation Department, or of the Principal of the Central Police Training School, Nasik, or of the District Superintendent, as the case may be, to forfeit all arrears of pay then due to him. This forfeiture shall be in addition to the penalty to which the said officer is liable under section 146 of this Act or other law in force.

Certificate, arms, etc., to be delivered up by person ceasing to be a Police officer and

31. (*1*) Every person who for any reason ceases to be a Police officer shall forthwith deliver up to some officer empowered by the Commissioner, or the Deputy Inspector-General, Criminal Investigation Department, or the Principal of the Central Police Training School, Nasik, or the District Superintendent to whom such Police officer is subordinate to receive the same, his certificate of appointment or of office and the arms, accoutrements, clothing and other necessaries which have been furnished to him for the execution of his office.

If not delivered up may be seized under a search warrant.

(*2*) Any Magistrate and, for special reasons which shall be recorded in writing at the time, the Commissioner or the Deputy Inspector-General, Criminal Investigation Department, or the Principal of the Central Police Training School, Nasik, or any Deputy Superintendent may issue a warrant to search for and seize, wherever they be found, any certificate, arms, accoutrements, clothing or other necessaries not so delivered up. Every warrant so issued shall be executed in accordance with the provisions of the Code of Criminal Procedure, 1898, by a Police officer or, if the Magistrate, the Commissioner, the Deputy Inspector-General, Criminal Investigation Department, the Principal of the Central Police Training School, Nasik, the District Superintendent, the Assistant Superintendent or the Deputy Superintendent issuing the warrant so directs, by any other person. V of 1898

Saving of certain articles.

(*3*) Nothing in this section shall be deemed to apply to any article which, under the orders of the Inspector-General, or the Commissioner, as the case may be, has become the property of the person to whom the same was furnished.

Occupation of and liability to vacate premises provided for Police officers.

32. (*1*) Any Police officer occupying any premises provided by the State Government for his residence—

(*a*) shall occupy the same subject to such conditions and terms as may, generally or in special cases, be specified by the State Government, and

(*b*) shall, notwithstanding anything contained in any law for the time being in force, vacate the same on his ceasing to be a Police officer or whenever the State Government or any officer authorised by the State Government in this behalf thinks it necessary and expedient to require him to do so ;

(*2*) If any person who is bound or required under sub-section (*1*) to vacate any premises fails to do so, the State Government or the officer authorised in this behalf by the State Government may order such person to vacate the premises and may

direct any Police officer with such assistance as may be necessary to enter upon the premises and remove therefrom any person found therein and to take possession of the premises and deliver the same to any person specified in the direction.

III of 1888.

33. Subject to the provisions of the Police Act, 1888, and save in so far as the operation of this section may be temporarily suspended by the special order of the State Government, nothing in Chapters II and III shall be deemed to affect any officers of the Railway Police employed within the limits of the State of Bombay on Police functions connected with the administration of any railway and any such Police officer shall, in the discharge of such functions, be vested with the powers, privileges and be subject to the liabilities of a Police officer of the establishment to which he belongs. Saving in regard to Railway Police.

CHAPTER IV.

Police Regulations.

34. (*1*) The Commissioner and the District Magistrate, in areas under their respective charge or any part thereof, may make, alter or rescind rules or orders not inconsistent with this Act for— Power to make rules for regulation of traffic and for preservation of order in public places etc.

(*a*) licensing and controlling persons offering themselves for employment at quays, wharves and landing places, and outside Railway stations, for the carriage of passengers' baggages, and fixing and providing for the enforcement of a scale of charges for the labour of such persons so employed ;

(*b*) regulating traffic of all kinds in streets and public places, and the use of streets and public places by persons riding, driving, cycling, walking or leading or accompanying cattle, so as to prevent danger, obstruction or inconvenience to the public ;

(*c*) regulating the conditions under which vehicles may remain standing in streets and public places, and the use of streets as halting places for vehicles or cattle ;

(*d*) prescribing the number and position of lights to be used on vehicles in streets and the hours between which such lights shall be used ;

(*e*) prescribing certain hours of the day during which cattle shall not be driven along the streets, or along certain specified streets, except subject to such regulations as he may prescribe in that behalf ;

(*f*) regulating the leading, driving, conducting or conveying of any elephant or wild or dangerous animal through or in any street ;

(*g*) regulating and controlling the manner and mode of conveying timber, scaffold poles, ladders, iron girders, beams or bars, boilers or other unwieldy articles through the streets, and the route and hours for such conveyance ;

(*h*) licensing, controlling or, in order to prevent the obstruction, inconvenience, annoyance, risk, danger or damage of the residents or passengers in the vicinity, prohibiting the carrying in streets and public places of gunpowder or any other explosive substance ;

(*i*) prohibiting, except along certain specified streets and during specified hours and subject to such regulations as he may prescribe in that behalf, the exposure or movement in any street of persons or animals suffering from contagious or infectious diseases and the carcasses of animals or part thereof and the corpses of persons diseased ;

(*j*) prescribing certain hours of the day during which odour or offensive matter or objects shall not be taken from or into houses or buildings in certain streets or conveyed through such streets except subject to such rules as he may make in that behalf ;

(*k*) setting apart places for the slaughtering of animals, the cleaning of carcasses or hides, the deposit of noxious or offensive matter and for obeying calls of nature;

(*l*) in cases of existing or apprehended epidemic or infectious disease of men or animals, the cleanliness and disinfection of premises by the occupier thereof and residents therein and the segregation and management of the persons or animals diseased or supposed to be diseased, as may have been directed or approved by the State Government, with a view to prevent the disease or to check the spreading thereof;

(*m*) directing the closing or disuse, wholly or for certain purposes, or limiting to certain purposes only the use of any source, supply or receptacle of water, and providing against pollution of the same or of the water therein;

(*n*) licensing, controlling or, in order to prevent the obstruction, inconvenience, annoyance, risk, danger or damage of the residents or passengers in the vicinity, prohibiting the playing of music, the beating of drums, tom-toms or other instruments and the blowing or sounding of horns or other noisy instruments in or near streets or public places;

(*o*) regulating the conduct of and behaviour or action of persons constituting assemblies and processions on or along the streets and prescribing in the case of processions, the routes by which, the order in which and the times at which the same may pass;

(*p*) prohibiting the hanging or placing of any cord or pole across a street or part thereof, or the making of a projection or structure so as to obstruct traffic or the free access of light and air;

(*q*) prohibiting, except under such reasonable rules as he may make, the placing of building materials or other articles or the fastening or detention of any horse or other animals in any street or public place;

(*r*) licensing, controlling or, in order to prevent obstruction, inconvenienc annoyance, risk, danger or damage of the residents or passengers in the vicinity, prohibiting—

(*i*) the illumination of streets and public places and the exteriors of building abutting thereon by persons other than servants of Government or Municipal officers duly authorized in that behalf,

(*ii*) the blasting of rock or making excavations in or near streets or public places,

(*iii*) the using of a loudspeaker in any public place or place of public entertainment;

(*s*) closing certain streets or places temporarily, in cases of danger from ruinous buildings or other cause, with such exceptions as shall appear reasonable;

(*t*) guarding against injury to person and property in the construction, repair and demolition of buildings, platforms and other structures from which danger may arise to passengers, neighbours or the public;

(*u*) prohibiting the setting fire to or burning any straw or other matter, or lighting a bonfire or wantonly discharging a fire-arm or air-gun, or letting off or throwing a fire-work, or sending up a fire balloon or rocket in or upon or within fifty feet of a street or building or the putting up of any post or other thing on the side of or across a street for the purpose of affixing thereto lamps or other contrivances for illumination, except subject to such reasonable rules, as he may make in that behalf;

(*v*) regulating the hours during which and the manner in which any place for the disposal of the dead, any dharmashala, village-gate or other place of public

resort, may be used, so as to secure the equal and appropriate application of its advantages and accommodation and to maintain orderly conduct amongst those who resort thereto ;

(*w*) licensing and controlling theatres, including the entrance and exit of persons thereat and the decent and orderly conduct of proceedings therein, and in order to prevent the obstruction, inconvenience, annoyance, risk, danger or damage of the residents or passengers in the vicinity, prohibiting the keeping of places of public amusement, entertainment or assembly ;

(*x*) regulating or prohibiting the sale of any ticket or pass for admission, by whatever name called, to a place of public amusement ;

(*y*) prescribing the procedure in accordance with which any licence or permission sought to be obtained or required under this Act should be applied for, and fixing the fees to be charged for any such licence or permission :

Provided that nothing in this section and no licence granted under any rule made thereunder shall authorize any person to import, export, transport, manufacture sell or possess any liquor or intoxicating drug, in respect of which a licence, permit, pass or authorisation is required under the Bombay Prohibition Act, 1949, or under any other law for the time being in force relating to the Abkari revenue or shall affect the liability of any person under any such law, or shall in any way affect the provisions of the Arms Act, 1878, or of the Explosive Act, 1884, or of any rules made under either of those enactments, or the liability of any person thereunder :

Bom. XXV of 1949.

XI of 1878.

IV of 1884.

Provided further that any action taken under the rules or orders made under this sub-section or the grant of a licence made under such rules or orders shall be subject to the control and supervision of the State Government.

(*2*) The power of making, altering or rescinding rules under clauses (*a*), (*b*) and (*c*) of sub-section (*1*) above will be subject to the control of the State Government, and those made under the remaining clauses subject to the previous sanction of that Government.

(*3*) Every rule made under clause (*v*) of sub-section (*1*) with respect to the use of a place for the disposal of the dead shall be framed with due regard to ordinary and established usages and to the necessities of prompt disposal of the dead in individual cases.

(*4*) Every rule promulgated under the authority of clause (*l*) of sub-section (*1*) shall, if made in relation to any area outside Greater Bombay, be forthwith reported to the State Government or such authority as the State Government may appoint in this behalf.

(*5*) If any rule or order made or promulgated under this section relates to any matter with respect to which there is a provision in any law, rule or by-law of any municipal or local authority in relation to the public health, convenience or safety of the locality, such rule or order shall be subject to such law, rule or by-law of the municipal or local authority, as the case may be.

(*6*) The power of making, altering or rescinding rules under this section shall be subject to the condition of the rules being made, altered or rescinded after the previous publication, and every rule made or alteration or rescission of a rule made under this section shall be published in the Official Gazette and in the locality affected thereby by affixing copies thereof in conspicuous places near to the building, structure, work or place, as the case may be, to which the same specially relates or by proclaiming the same by the beating of drum or by advertising the same in such local newspapers in English or in the local language,

as the authority making, altering or rescinding the rule may deem fit or by any two or more of these means or by any other means it may think suitable.

(7) Notwithstanding anything hereinbefore contained in this section or which may be contained in any rule made thereunder, it shall always be lawful for the competent authority to refuse a licence for, or to prohibit the keeping of any place of public amusement or entertainment by a person of notoriously bad character.

(8) It shall be the duty of all persons concerned to conform to any order duly made as aforesaid so long as the same shall be in operation.

Competent authority may authorise erection of barriers on streets.

35. The Commissioner and the District Superintendent in areas under their respective charge may, whenever in his opinion such action is necessary, authorise such Police officer as he thinks fit to erect barriers on any street for the purpose of stopping temporarily vehicles driven on such street and satisfy himself that the provisions of any law for the time being in force have not been contravened in respect of any such vehicle or by the driver of or the person in charge of such vehicle. The said authority may also make such orders as it deems fit for regulating the use of such barriers.

Power to make rules prohibiting disposal of the dead except at places set apart.

36. (1) A competent authority may, from time to time, make rules prohibiting the disposal of dead, whether by cremation, burial or otherwise at places other than those set apart for such purpose :

Provided that no such rules shall be made in respect of any such town or place in which places have not been so set apart :

Provided further that the competent authority or any officer authorised by it in this behalf may, in its or his discretion on an application made to it or him by any person, grant to such person permission to dispose of the corpse of any deceased person at any place other than a place so set apart, if in its or his opinion such disposal is not likely to cause obstruction to traffic or disturbance of the public peace or is not objectionable for any other reason.

(2) Any rules made under sub-section (1) shall specify the places set apart for the disposal of the dead of different communities or sections of communities.

(3) All such rules shall be subject to the condition of previous publication and the date to be specified under clause (c) of section 24 of the Bombay General Clauses Act, 1904, shall not be earlier than two months from the date on which the draft of the proposed rules is published. Bom. I of 1904

Explanation.—For the purposes of this section, a place set apart for the disposal of the dead means a place set apart for such purpose under any custom, usage or law for the time being in force.

Power of Commissioner or the District Superintendent and of other officers to give direction to the public.

37. In areas under their respective charge the Commissioner, and subject to his orders every Police officer not inferior in rank to an Inspector, and the District Superintendent and subject to his orders any Police officer of not lower than such rank as may be specified by the State Government in that behalf, may, from time to time as occasion may arise, but not so as to contravene any rule or order under section 34 give all such orders either orally or in writing as may be necessary to—

(a) direct the conduct of, and behaviour or action of persons constituting processions or assemblies on or along the streets ;

(b) prescribe the routes by which and the times at which any such processions may or may not pass ;

(c) prevent obstructions on the occasion of all processions and assemblies and in the neighbourhood of all places of worship during the time of worship and in all cases when any street or public place or place of public resort may be thronged or liable to be obstructed ;

(*d*) keep order on and in all streets, quays, wharves, and at and within public bathing, washing and landing places, fairs, temples and all other places of public resort ;

(*e*) regulate and control the playing of music or singing, or the beating of drums, tom-toms and other instruments and the blowing or sounding of horns or other noisy instruments, in or near any street or public place ;

(*f*) make reasonable orders subordinate to and in furtherance of any order made by a competent authority under sections 34, 36, 38 to 41, 43, 44 and 46 of this Act.

Power to prohibit certain Acts for prevention of disorder.

38. (*1*) The Commissioner and the District Magistrate in areas under their respective charge may, whenever and for such time as he shall consider necesary for the preservation of public peace or public safety by a notification publicly promulgated or addressed to individuals prohibit at any town, village or place or in the vicinity of any such town, village or place—

(*a*) the carrying of arms, cudgels, swords, spears, bludgeons, guns, knives, sticks or lathis, or any other article, which is capable of being used for causing physical violence,

(*b*) the carrying of any corrosive substance or of explosives,

(*c*) the carrying, collection and preparation of stones or other missiles or instruments or means of casting or impelling missiles,

(*d*) the exhibition of persons or the corpses or figures or effigies thereof,

(*e*) the public utterance of cries, singing of songs, playing of music,

(*f*) delivery of harangues, the use of gestures or mimetic representations, and the preparation, exhibition or dissemination of pictures, symbols, placards or any other object or thing, which may be of a nature to outrage morality or decency or, in the opinion of such authority may probably inflame religious animosity or hostility between different classes or incite to the commission of an offence, to a disturbance of the public peace or to resistance to or contempt of the law or of a lawful authority.

(*2*) If any person goes armed with any such weapon or carries any corrosive substance or explosive or missile in contravention of such prohibition, he shall be liable to be disarmed or the corrosive substance or explosive or missile shall be liable to be seized from him by any Police officer, and the weapon, corrosive substance, explosive or missile so seized shall be forfeited to the State Government.

(*3*) The authority empowered under sub-section (*1*) may also by order in writing prohibit any assembly or procession whenever and for so long as it considers such prohibition to be necessary for the preservation of the public order :

Provided that no such prohibition shall remain in force for more than fifteen days without the sanction of the State Government.

(*4*) The authority empowered under sub-section (*1*) may also by public notice temporarily reserve for any public purpose any street or public place and prohibit persons from entering the area so reserved, except under such conditions as may be prescribed by such authority.

Power to prohibit, etc., continuance of music, sound or noise.

39. (*1*) If the Commissioner or District Superintendent is satisfied from the report of an officer in charge of a Police Station or other information received by him that it is necessary to do so in order to prevent annoyance, disturbance, discomfort or injury or risk of annoyance, disturbance, discomfort or injury to the public or to any persons who dwell or occupy property in the vicinity, he may, by a written

order issue such directions as he may consider necessary to any person for preventing, prohibiting, controlling or regulating—

(*a*) the incidence or continuance in or upon any premises of—

(*i*) any vocal or instrumental music,

(*ii*) sounds caused by the playing, beating, clashing, blowing or use in any manner whatsoever of any instrument, appliance or apparatus or contrivance which is capable of producing sound, or

(*b*) the carrying on, in or upon, any premises of any trade, avocation or operation resulting in or attended with noise.

(*2*) The authority empowered under sub-section (*1*) may, either on its own motion or on the application of any person aggrieved by an order made under sub-section (*1*), either rescind, modify or alter any such order :

Provided that before any such application is disposed of, the said authority shall afford to the applicant an opportunity of appearing before it either in person or by pleader and showing cause against the order and shall, if it rejects any such application either wholly or in part, record its reasons for such rejection.

Issue of orders for prevention of riot, etc.

40. (*1*) In order to prevent or suppress any riot or grave disturbance of peace, the Commissioner, and the District Superintendent, in areas under their respective charge, may temporarily close or take possession of any building or place, and may exclude all or any persons therefrom, or may allow access thereto to such persons only and on such terms as he shall deem expedient. All persons concerned shall be bound to conduct themselves in accordance with such orders as the authority making orders may make and notify in exercise of the authority hereby vested in it.

Compensation to lawful occupier of building or place closed or taken possession of.

(*2*) If the lawful occupier of such building or place suffers substantial loss or injury by reason of the action taken under sub-section (*1*), he shall be entitled, on application made to the authority concerned within one month from the date of such action, to receive reasonable compensation for such loss or injury, unless such action was in the opinion of such authority rendered necessary either by the use to which such building or place was put or intended to be put or by the misconduct of persons having access thereto.

Disputes as to compensation to be settled.

(*3*) In the event of any dispute in any case under sub-section (*2*) the decision of the Chief Presidency Magistrate, or the District Magistrate, as the case may be, shall be conclusive as to the amount (if any) to be paid, and as to the person to whom it is to be paid.

Issue of orders for maintenance of order at religious ceremonials, etc.

41. (*1*) In any case of an actual or intended religious or ceremonial or corporate display or exhibition or organised assemblage in any street or public place, as to which or the conduct of or participation in which it shall appear to a competent authority that a dispute or contention exists which is likely to lead to grave disturbance of the peace, such authority may give such orders as to the conduct of the persons concerned towards each other and towards the public as it shall deem necessary and reasonable under the circumstances, regard being had to the apparent legal rights and to any established practice of the parties and of the persons interested. Every such order shall be published in the town or place wherein it is to operate, and all persons concerned shall be bound to conform to the same.

(*2*) Any order under sub-section (*1*) shall be subject to a decree, injunction or order made by a Court having jurisdiction, and shall be recalled or altered on its being made to appear to the authority making the order that such order is

inconsistent with a judgment, decree, injunction or order of such Court, on the complaint, suit or an application of any person interested, as to the rights and duties of any persons affected by the order aforesaid.

Police to provide against disorder, etc., at places of amusement and public meetings.

42. (*1*) For the purpose of preventing serious disorder or breach of the law or manifest and imminent danger to the persons assembled at any public place of amusement or at an assembly or meeting to which the public are invited or which is open to the public, the senior Police officer of highest rank superior to that of constable, present at such place of amusement or such assembly or meeting may, subject to such rules and orders as may have been lawfully made, give such reasonable directions as to the mode of admission of the public to, and for securing the peaceful and lawful conduct of the proceedings and the maintenance of the public safety at such place of amusement or such assembly or meeting, as he thinks necessary and all persons shall be bound to conform to every such reasonable direction.

Police to have free access thereto.

(*2*) The Police shall have free access to every such place of amusement, assembly or meeting, for the purpose of giving effect to the provisions of sub-section (*1*) and to any direction made thereunder.

Discontinuance of brothels.

43. On complaint being made to the District Magistrate or a Sub-Divisional Magistrate that any house in a town or village in his district or sub-division to which the State Government has by notification extended this section is used as a common brothel or lodging house or place of resort for prostitutes or disorderly persons of any description, to the annoyance of the respectable inhabitants of the vicinity, the said Magistrate may summon the owner or tenant of the house to answer the complaint, and on being satisfied that the house is so used may order the owner or tenant, within a reasonable period, which shall be set forth in the order, to discontinue such use of it.

District Magistrate may take special measures to prevent outbreak of epidemic disease at fair, etc.

44. (*1*) Whenever it shall appear to the Commissioner or District Magistrate that any place in the areas under their respective charge, at which, on account of a pilgrimage or other fair, such occurrence, large bodies of persons have assembled or are likely to assemble is visited or will probably be visited with an outbreak of any epidemic disease, he may take such special measures and may by public notice prescribe such regulations to be observed by the residents of the said place and by persons present thereat or repairing thereto or returning therefrom as he shall deem necessary to prevent the outbreak of such disease or the spread thereof.

(*2*) It shall be lawful for the District Magistrate or for the Collector or the Chief Presidency Magistrate on the requisition of the Commissioner or the District Magistrate to assess and levy such reasonable fees on persons falling under the provisions of sub-section (*1*) as will provide for the expenses of the arrangements for sanitation and the preservation of order at and about the place of assemblage.

(*3*) When the place of assemblage is within the limits of a municipality or corporation such sums as shall be necessary for the purposes aforesaid may be recovered from the municipality or corporation.

Destruction of stray dogs.

45. (*1*) The Commissioner and the District Superintendent in areas under their respective charge may from time to time, by public notice, proclaim that any stray dogs found, during such period as may be specified in the said notice,

wandering in the streets or in any public place may be destroyed, and any dog so found within such period may be destroyed accordingly.

(2) The authority empowered under sub-section (1) may by public notice require that every dog, while in any street or public place and not led by some person, shall be muzzled in such a manner as effectually to prevent it from biting, while not obstructing its breathing or drinking, and the Police may, so long as such notice remains in force, destroy, or take possession of and detain, any dog found loose without muzzle in any street or place beyond the premises of the owner thereof:

Provided that any dog so found, wearing a collar on which an apparently genuine name and address of an owner is inscribed, shall not, unless it is rabid, be forthwith destroyed, but information of the detention thereof shall forthwith be sent by post or otherwise to such owner.

(3) Any dog which has been detained under sub-section (2) for a period of three clear days without the owner providing a muzzle and paying all expenses connected with such detention, may be destroyed or sold with the sanction and under the orders of the competent authority.

(4) The proceeds of the sale of any dog under sub-section (3) shall be applied, as far as may be in discharge of the expenses incurred in connection with its detention, and the balance, if any, shall form part of the revenues of the State.

(5) Any expenses incurred in connection with the destruction or detention of any dog under this section shall, subject to the provisions of sub-section (4), be recoverable from the owner thereof upon a warrant issued by the competent authority as if it were a warrant under section 386 of the Code of Criminal Procedure. V of 1898.

Destruction of suffering or unfit animals.

46. (1) Any Police officer who in any street or public place other than a place of worship finds any animal other than a bull or a cow so diseased, or so severely injured, and in such a physical condition, that in his opinion it cannot without cruelty be removed, shall, if the owner is absent or refuses to consent to the destruction of the animal, at once summon the Veterinary Practitioner in charge of the area in which the animal is found and, if the Veterinary Practitioner certifies that the animal is mortally injured, or so severely injured, or so diseased, or in such a physical condition, that it is cruel to keep it alive, the Police officer may, without the consent of the owner, destroy the animal or cause it to be destroyed:

Provided that if in the opinion of the Veterinary Practitioner the animal can be removed from the place where it is found without causing it great suffering, and, if the owner or person in charge of the animal or in their absence any other person on the spot is willing and offers to remove the animal to a Veterinary Hospital or Panjrapol within such time as the Veterinary Practitioner considers reasonable, the Veterinary Practitioner shall allow the animal to be removed by such owner, person in charge of the animal or such other person. If the owner or person in charge of the animal or such other person is unwilling or fails so to remove the animal, the Veterinary Practitioner may direct the Police officer to remove the animal before it is destroyed from the place where it is found to such other place as he may think fit:

Provided further that when the animal is destroyed in any street or public place it shall, as far as possible, be screened from the public gaze while it is being destroyed.

Explanation.—For the purpose of this section "bull" does not include "bullock".

(2) The State Government may appoint such persons as it thinks fit to be Veterinary Practitioners and may declare the areas of which they shall be in charge for the purposes of this Act.

47. Every power conferred by this Chapter on a District Superintendent not specially empowered by the State Government to exercise that power or on any officer subordinate to him shall be exercised by him subject to the orders of the District Magistrate and all rules, regulations and orders made under this Chapter shall, if made by the Commissioner, be governed by such rules and orders as the State Government may from time to time make in this behalf and, if made by the District Magistrate or the District Superintendent specially empowered in that behalf, shall be subject to the provisions of section 17.

Powers under this Chapter to be exercised by District Superintendent subject to the control of District Magistrate and Commissioner and by District Magistrates subject to the control of State Government.

CHAPTER V.

Special measures for maintenance of public order and safety of State.

I. Employment of additional Police, recovery of cost thereof and of riot compensation—its assessment and recovery.

48. (*1*) The District Superintendent may, on the application of any person, depute any additional number of Police to keep the peace, to preserve order or to enforce any of the provisions of this or any other Act in respect of any particular class or classes of offences or to perform any other Police duties at any place.

Employment of additional Police on application of a person.

(*2*) Such additional Police shall be employed at the charge of the person making the application, but shall be subject to the orders of the Police authorities and shall be employed for such period as the competent authority thinks fit.

(*3*) If the person upon whose application such additional Police are employed shall at any time make a written requisition to the competent authority to which the application for the employment of additional Police was made, for the withdrawal of the said Police, he shall be relieved from the charge thereof at the expiration of such period not exceeding one month from the date of the delivery of such requisition, as the State Government or the competent authority, as the case may be, shall determine.

49. (*1*) Whenever it appears to the State Government or a competent authority that—

Employment of additional police at large works and when apprehension regarding behaviour of employees exists.

(*a*) any large work which is being carried on or any public amusement which is being conducted is likely to impede the traffic or to attract a large number of people, or

(*b*) that the behaviour or a reasonable apprehension of the behaviour, of the persons employed on any railway, canal or other public work, or in or upon any manufactory or other commercial concern under construction or in operation at any place necessitates the employment of additional Police at such place, the State Government or the competent authority may depute such additional Police to the said place as it shall think fit and keep the said Police employed at such place for so long as such necessity shall appear to it to continue.

(*2*) Such additional Police shall be employed at the charge of the person by whom the work, amusement, manufactory or concern is being constructed, conducted or carried on and the said person shall pay the charges therefor at such rates as the

State Government or the competent authority, as the case may be, shall from time to time require.

Recovery of cost of additional Police employed under sections 48 and 49.

50. In case of any dispute in any case under section 48 or 49 the decision of the Chief Presidency Magistrate, in Greater Bombay, and the District Magistrate, in the district, shall be conclusive as to the amount to be paid and as to the person by whom it is to be paid and the sum so ascertained may, on the requisition of the Chief Presidency Magistrate or the District Magistrate, be recovered by the Collector as if it were an arrear of land revenue due by the person found to be answerable therefor.

Employment of additional Police in cases of special danger to public peace.

51. (*1*) The State Government may from time to time, by notification in the *Official Gazette*, direct the employment of additional Police for such period as it shall think fit in any area which appears to it to be in a disturbed or dangerous state or in which the conduct of the inhabitants or of any particular section of the inhabitants, in its opinion, renders it expedient temporarily to increase the strength of the Police.

(*2*) The State Government may require—

(*a*) in any area for which a Corporation has been constituted, the Municipal Commissioner, the Collector or any other authority,

(*b*) in any area within the limits of a municipality, the municipality, the Collector or any other authority, and

(*c*) in any area outside the areas specified in clauses (*a*) and (*b*), the Collector or any other authority,

to recover either in whole or in part the cost of such additional Police generally from all persons who are inhabitants of the area to which such notification applies or specially from any particular section or sections, or class or classes of such persons, and in such proportions as the State Government may direct:

Provided that where the Municipal Commissioner or the Municipality is directed to recover such cost, an additional sum not exceeding three per cent. of the amount of such cost shall also be recoverable.

(*3*) In making an order under sub-section (*2*), the State Government may fix the date on which the liability to pay the amount in consequence of the employment of additional Police shall be deemed to have arisen for the purposes of this Act.

(*4*) (*i*) The State Government may require the Municipal Commissioner or the Municipality to recover such cost and the additional sum by an addition to the general or property tax which shall be imposed and levied in all or such of the municipal wards, sub-wards or sections thereof, as the State Government may direct. Every addition to the general or property tax imposed under this sub-section shall be recovered by the Municipal Commissioner or the Municipality from each person liable therefor in the same manner as the general or property tax due from him. The provisions of the relevant Municipal Act shall apply to any such addition as if it were part of the general or property tax levied under the said Act. Such addition shall be a charge along with the general or property tax, on the properties, in such municipal wards or sub-wards or sections.

(*ii*) The State Government may also require the Municipal Commissioner or the Municipality to recover such cost and the additional sum from each person liable therefor under sub-section (*2*) in such manner as the State Government may direct.

(*iii*) Where the Municipal Commissioner or a Municipality makes default in imposing and levying any such tax or in making such recovery, the State Government may direct the Collector to impose and levy such tax or to make such recovery.

(5) Every amount recoverable by the Collector or other authority under this section shall be recoverable as if it were an arrear of land revenue due by the person liable therefor.

(6) It shall be lawful for the State Government by order to exempt any person from liability to bear any portion of the cost of such additional Police.

(7) Out of the total amount recovered by the Municipal Commissioner or by a Municipality under sub-section (4) or (5) whether before or after the coming into operation of this Act the amount of the cost shall be paid to the State Government and the balance, if any, shall be credited to the municipal fund constituted under the relevant municipal Act. Such amount of cost shall be paid to the State Government every three months.

Explanation.—In this section the expression "inhabitants" when used with reference to any area includes persons who themselves or by their agents or servants occupy or hold land or other immovable property within such area and landlords who themselves or by their agents or servants collect rent from holders or occupiers of land in such area notwithstanding that they do not actually reside therein.

Compensation for injury caused by unlawful assembly, how recoverable. Date to be fixed for liability.

52. (1) The Chief Presidency Magistrate, in Greater Bombay, and the District Magistrate, in districts, may, after such inquiry as he deems necessary, determine the amount of the compensation which, in his opinion, should be paid to any person or persons in respect of any loss or damage caused to any property, or in respect of death or grievous hurt caused to any person or persons, by anything done in the prosecution of the common object of an unlawful assembly.

(2) The Chief Presidency Magistrate or the District Magistrate, as the case may be, may require—

(a) in any area for which a Corporation has been constituted, the Municipal Commissioner, the Collector or any other authority,

(b) in an area within the limits of a municipality, the municipality, the Collector or any other authority, and

(c) in an area outside the areas specified in clauses (a) and (b), the Collector or any other authority.

to recover either in whole or in part such amount and where the Municipal Commissioner or the Municipality is required to recover such amount, an additional sum not exceeding three per cent. of such amount generally from all persons who are inhabitants of any particular area or specially from any particular section or sections, or class or classes of such persons, and in such proportions as the Chief Presidency Magistrate or the District Magistrate may direct.

(3) In making an order under sub-section (2), the Chief Presidency Magistrate or the District Magistrate, as the case may be, shall fix the date on which the liability to pay the amount in consequence of anything done in the prosecution of the common object of the unlawful assembly shall be deemed to have arisen for the purposes of this Act.

(4) (i) The Chief Presidency Magistrate or the District Magistrate, as the case may be, may require the Municipal Commissioner or the Municipality concerned to recover such amount and the additional sum by an addition to the general or property-tax which shall be imposed and levied in all or such of the municipal wards, sub-wards, or sections thereof, as the Chief Presidency Magistrate or the District Magistrate may direct. Every addition to the general or property tax imposed under this sub-section shall be recovered by the Municipal Commissioner or the Municipality concerned from each person liable therefor in the same manner

as the general or property tax due from him. The provisions of the relevant Municipal Act, shall apply to any such addition as if it were part of the general or property tax levied under the said Act. Such addition shall be a charge along with the general or property tax, on the properties, in such municipal wards, sub-wards or sections.

(*ii*) The Chief Presidency Magistrate or the District Magistrate, as the case may be, may also require the Municipal Commissioner or the Municipality concerned to recover such amount and the additional sum from each person liable therefor under sub-section (*2*) in such manner as he may direct.

(*5*) Where a Municipal Commissioner or a Municipality makes a default in imposing and levying any such tax or in making any such recovery, the State Government may direct the Collector to impose and levy such tax or to make such recovery.

(*6*) Every amount recoverable by the Collector or other authority under this section shall be recoverable as if it were an arrear of land revenue due by the person liable therefor.

(*7*) Out of the total amount recovered by the Municipal Commissioner or by the Municipality under sub-section (*4*) or (*5*) whether before or after the coming into operation of this Act, a sum equivalent to the amount of the compensation shall be paid to the Chief Presidency Magistrate or the District Magistrate, as the case may be, and the balance, if any, shall be credited to the municipal fund. Such amount shall be paid to the Chief Presidency Magistrate or the District Magistrate, as the case may be, every three months.

(*8*) It shall be lawful for the Chief Presidency Magistrate or the District Magistrate, as the case may be, by order, to exempt any persons from liability to pay any portion of such compensation.

Explanation.—In this section the expression "inhabitants" when used with reference to any area includes persons who themselves or by their agents or servants occupy or hold land or other immovable property within such area and landlords who themselves or by their agents or servants collect rent from holders or occupiers of land in such area, notwithstanding that they do not actually reside therein.

Chief Presidency Magistrate or District Magistrate to award or to apportion compensation.

53. (*1*) It shall be lawful for the Chief Presidency Magistrate or the District Magistrate, as the case may be, to award or apportion all or any moneys recovered as compensation under sub-sections (*2*) to (*7*) of section 52 to any person or among all or any persons whom he considers entitled to compensation in respect of the loss or damage or death or grievous hurt aforesaid.

(*2*) No compensation shall be awarded under this section except upon a claim made within 45 days from the date of the loss, damage, death or grievous hurt as aforesaid, in respect of which such claim is made, and unless the Chief Presidency Magistrate or the District Magistrate, as the case may be, is satisfied that the person claiming compensation or where such claim is made in respect of the death of any person, that that person also has himself been free from blame in connection with the occurrences which led to the loss, damage, death or grievous hurt as aforesaid.

(*3*) The compensation payable to any person under section 52 in respect of death or grievous hurt shall not in any way be capable of being assigned or charged or be liable to attachment or to pass to any person other than the person entitled to it by operation of law, nor shall any claim be set off against the same.

(*4*) Every assessment, direction and order made by the District Magistrate under this or the preceding section shall be subject to revision by the State Government but save as aforesaid shall be final.

(5) No civil suit shall be maintainable in respect of any loss or injury for which compensation has been granted under this section.

Chief Presidency Magistrate or District Magistrate to discharge functions under orders of State Government.

54. The Chief Presidency Magistrate or the District Magistrate, as the case may be, shall discharge his functions under sections 52 and 53 subject to any general or special orders of the State Government in this behalf.

Proportionate recovery of the cost of additional Police and compensation for loss caused by unlawful assembly.

55. (1) Notwithstanding anything contained in the Bombay Rents and Hotels and Lodging Houses Rates Control Act, 1947, where under the provisions of section 51 or 52, the Municipal Commissioner or the Municipality, as the case may be, is required to recover the cost of the additional Police hereinafter called "the additional cost" or the compensation and the additional sum referred to in sub-clause (4) of section 52, hereinafter called the "riot tax", by an addition to the general or property tax, the landlord from whom any portion of the additional cost or the riot tax is recovered, in respect of any premises shall be entitled to recover 75 per cent. of such portion from the tenants in the occupation of the premises on the date fixed under sub-section (3) of section 51 or sub-section (3) of section 52, as the case may be, in the manner specified in sub-section (2).

Bom. LVIII of 1947.

(2) The amount referred to in sub-section (1) and to be recovered from a tenant referred to therein shall bear the same proportion as the rent payable by him in respect of the premises in his occupation bears to the total amount of rent recoverable for the whole premises, if let.

(3) The provisions of sub-section (1) in so far as they relate to the recovery of the riot tax from the tenants, shall not apply to Greater Bombay during the period during which section 10B of the Bombay Rents and Hotels and Lodging Houses Rates Control Act, 1947, is in force in the said area.

Bom. LVIII of 1947.

II. Dispersal of Gangs and Removal of Persons convicted of certain offences.

Dispersal of gangs and bodies of persons.

56. Whenever it shall appear in Greater Bombay and in other areas in which a Commissioner is appointed under section 7 to the Commissioner and in a district to the District Magistrate, the Sub-Divisional Magistrate or the District Superintendent specially empowered by the State Government in that behalf, that the movement or encampment of any gang or body of persons in the area in his charge is causing or is calculated to cause danger or alarm or reasonable suspicion that unlawful designs are entertained by such gang or body or by members thereof, such officer may, by notification addressed to the persons appearing to be the leaders or chief men of such gang or body and published by beat of drum or otherwise as such officer thinks fit, direct the members of such gang or body so to conduct themselves as shall seem necessary in order to prevent violence and alarm, or disperse and each of them to remove himself outside the area within the local limits of his jurisdiction or to such place within such time as such officer shall prescribe, and not to enter the area or return to the place from which each of them was directed to remove.

Removal of persons about to commit offences.

57. Whenever it shall appear to the Commissioner in Greater Bombay and other areas for which he has been appointed under section 7 and in other area or areas to which the State Government may, by notification in the Official Gazette, extend the provisions of this section,

to the District Magistrate, or the Sub-Divisional Magistrate specially empowered by the State Government in that behalf (*a*) that the movements or acts of any person are causing or calculated to cause alarm, danger or harm to person or property or (*b*) that there are reasonable grounds for believing that such person is engaged or is about to be engaged in the commission of an offence involving force or violence or an offence punishable under Chapter XII, XVI or XVII of the Indian Penal Code, or (*c*) in the abetment of any such offence, and when in the opinion of such officer witnesses are not willing to come forward to give evidence in public against such person by reason of apprehension on their part as regards the safety of their person or property, or (*d*) that an outbreak of epidemic disease is likely to result from the continued residence of an immigrant, the said officer may, by an order in writing duly served on him or by beat of drum or otherwise as he thinks fit, direct such person or immigrant so to conduct himself as shall seem necessary in order to prevent violence and alarm or the outbreak or spread of such disease or to remove himself outside the area within the local limits of his jurisdiction or to such place within the State and by such route and within such time as the said officer may prescribe and not to enter or return to the said area from which he was directed to remove himself. XLV of 1860.

Removal of persons convicted of certain offences.

58. In areas under their respective charge the Commissioner, and the District Magistrate, the Sub-Divisional Magistrate, specially empowered by the State Government in that behalf, may also by an order in writing direct the removal and prohibit the entry in like manner of any person, who has been twice convicted of an offence under section 6, 9 or 23 of the Bombay Beggars Act, 1945, or under the Bombay Prevention of Prostitution Act, 1923, or of any person who has been thrice convicted within the period of three years of an offence punishable under section 4 or section 12A of the Bombay Prevention of Gambling Act, 1887 or of any offence punishable under the Bombay Prohibition Act, 1949, or Dangerous Drugs Act, 1930. Bom. XXIII of 1945. Bom. XI of 1923. IV of 1887. Bom. XXV of 1949. II of 1930.

Removal of persons not born in areas and convicted of certain offences.

59. In areas under their respective charge the Commissioner and the District Magistrate may by an order direct any person, who not having been born in such area has been convicted of an offence punishable under Chapter XII, XVI or XVII of the Indian Penal Code, or section 65 or 68 of the Bombay Prohibition Act, 1949, or Chapter III of the Dangerous Drugs Act, 1930, or section 4 or 12A of the Bombay Prevention of Gambling Act, 1887, to remove himself in like manner from the said area and not to enter the same. XLV of 1860. Bom XXV of 1949. II of 1930. Bom. IV of 1887.

Hearing to be given before order under section 56, 57, 58 or 59 is passed.

60. (*1*) Before an order under section 56, 57, 58 or 59 is passed against any person the officer acting under any of the said sections or any officer above the rank of an Inspector authorised by that officer shall inform the person in writing of the general nature of the material allegations against him and give him a reasonable opportunity of tendering an explanation regarding them. If such person makes an application for the examination of any witness produced by him, the authority or officer concerned shall grant such application and examine such witness, unless for reasons to be recorded in writing, the authority or officer is of opinion that such application is made for the purpose of vexation or delay. Any written statement put in by such person shall be filed with the record of the case. Such person shall be entitled to appear before the officer proceeding under this section by an advocate or attorney for the purpose of tendering his explanation and examining the witnesses produced by him.

(2) The authority or officer proceeding under sub-section (1) may, for the purpose of securing the attendance of any person against whom any order is proposed to be made under section 56, 57, 58 or 59 exercise all or any of the powers of a Court under sections 75 to 77 of the Code of Criminal Procedure, 1898. After such person is brought before the authority or officer proceeding under section 56, 57, 58 or 59 such authority or officer may release him on bail with or without sureties or may from time to time authorise his detention in such custody as it and he thinks fit for a period not exceeding fifteen days at a time but not exceeding in all three months.

V of 1898.

61. Any person aggrieved by an order made under section 56, 57, 58 or 59 may appeal to the State Government within thirty days from the date of such order. Appeal.

62. Any order passed under section 56, 57, 58 or 59 or by the State Government under section 61 shall not be called in question in any Court except on the ground that the authority making the order or any officer authorised by it had not followed the procedure laid down in sub-section (1) of section 60 or that there was no material before the authority concerned upon which it could have based its order or on the ground that the said authority was not of opinion that witnesses were unwilling to come forward to give evidence in public against the person in respect of whom an order was made under section 57. Finality of orders passed by State Government in certain cases.

63. If a person to whom a direction has been issued under section 56, 57, 58 or 59 to remove himself from an area— Procedure on failure of person to leave the area and his entry therein after removal.

(i) fails to remove himself as directed,

or

(ii) having so removed himself, except with the permission in writing of the authority making the order, enters the area—

(a) if the direction was issued under section 56 within two years from the date of his removal,

(b) if the direction was issued under section 57, 58 or 59 at any time,

the authority concerned may cause him to be arrested and removed in police custody to such place outside the area as the said authority may in each case prescribe.

64. (1) The State Government may, by order, permit any person in respect of whom an externment order has been made under section 56, 57, 58 or 59, to enter or return for a temporary period to the area from which he was directed to remove himself, subject to such conditions as it may by general or special order specify and which such person accepts and may, at any time revoke any such permission. Temporary permission to enter or return to the area from which a person was directed to remove himself.

(2) In permitting a person under sub-section (1) to enter or return to the area from which he was directed to remove himself, the State Government may require him to enter into bond with or without surety for the observance of the conditions imposed.

(3) Any person permitted under sub-section (1) to enter or return to the area from which he was directed to remove himself shall, surrender himself at the time and place and to the authority specified in the order or in the order revoking the said order, as the case may be.

CHAPTER VI.

Executive powers and duties of the Police.

Duties of a Police officer.

65. It shall be the duty of every Police officer—

(*a*) promptly to serve every summons and obey and execute every warrant or other order lawfully issued to him by competent authority, and to endeavour by all lawful means to give effect to the lawful commands of his superior;

(*b*) to the best of his ability to obtain intelligence concerning the commission of cognizable offences or designs to commit such offences, and to lay such information and to take such other steps, consistent with law and with the orders of his superiors, as shall be best calculated to bring offenders to justice or to prevent the commission of cognizable, and within his view of non-cognizable offences;

(*c*) to prevent to the best of his ability the commission of public nuisances;

(*d*) to apprehend all persons whom he is legally authorised to apprehend and for whose apprehension there is sufficient reason;

(*e*) to aid another Police officer when called on by him or in case of need in the discharge of his duty, in such ways as would be lawful and reasonable on the part of the officer aided;

(*f*) to discharge such duties as are imposed upon him by any law for the time being in force.

Power to enter places of public resort.

66. (*1*) Every Police officer may, subject to the rules and orders made by the State Government or by a person lawfully authorized, enter for any of the purposes referred to in section 65 without a warrant, and inspect any place of public resort which he has reason to believe is used as drinking shop, or a shop for the sale of intoxicating drugs or a place of resort of loose and disorderly characters.

Power to search suspected persons in a street.

(*2*) When in a street or a place of public resort a person has possession or apparent possession of any article which a Police officer in good faith suspects to be stolen property, such Police officer may search for and examine the same and may require an account thereof, and, should the account given by the possessor be manifestly false or suspicious, may detain such article and report the facts to a Magistrate, who shall thereon proceed according to sections 523 and 525 of the Code of Criminal Procedure, 1898, or other law in force. V of 1898.

Duties of Police officers towards the public.

67. It shall be the duty of every Police officer—

(*a*) to afford every assistance within his power to disabled or helpless persons in the streets, and to take charge of intoxicated persons and of lunatics at large who appear dangerous or incapable of taking care of themselves;

(*b*) to take prompt measures to procure necessary help for any person under arrest or in custody, who is wounded or sick, and whilst guarding or conducting any such person, to have due regard to his condition;

(*c*) to arrange for the proper sustenance and shelter of every person who is under arrest or in custody;

(*d*) in conducting searches, to refrain from needless rudeness and the causing of unnecessary annoyance;

(*e*) in dealing with women and children, to act with strict regard to decency and with reasonable gentleness ;

(*f*) to use his best endeavours to prevent any loss or damage by fire ;

(*g*) to use his best endeavours to avert any accident or danger to the public.

Police to regulate traffic, etc. in streets.

68. It shall be the duty of a Police officer—

(*a*) to regulate and control the traffic in the streets, to prevent obstructions therein and, to the best of his ability, to prevent the infraction of any rule or order made under this Act or any other law in force for observance by the public in or near the streets ;

(*b*) to keep order in the streets and at and within public bathing, washing and landing places, fairs, temples and all other places of public resort and in the neighbourhood of places of public worship during the time of public worship ;

(*c*) to regulate resort to public bathing, washing and landing places, to prevent overcrowding thereat and in public ferry-boats and, to the best of his ability, to prevent the infraction of any rule or order lawfully made for observance by the public at any such place or on any such boat.

Persons bound to conform to reasonable orders of Police.

69. All persons shall be bound to conform to the reasonable directions of a Police officer given in fulfilment of any of his duties under this Act.

Power of Police officer to restrain, remove, etc.

70. A Police officer may restrain or remove any person resisting or refusing or omitting to conform to any such direction as aforesaid, and may either take such person before a Magistrate or, in trivial cases, may release him when the occasion is past.

Enforcement of orders issued under section 37, 39 or 40.

71. Whenever a notification has been duly issued under section 38 or an order has been made under section 39 or 40, it shall be lawful for any Magistrate in a District or Police officer to require any person acting or about to act contrary thereto to desist or to abstain from so doing, and, in case of refusal or disobedience, to arrest the person offending. Such Magistrate or Police officer may also seize any object or thing used or about to be used in contravention of such notification, or order as aforesaid, and the thing seized shall be disposed of according to the order of any District Magistrate having jurisdiction at the place.

Duty of Police to see orders issued under section 44, 56, 57, 58, or 59 are carried out.

72. It shall be the duty of the Police to see that every regulation and direction made by any authority under section 44, 56, 57, 58 or 59 is duly obeyed, to warn persons who from ignorance fail to obey the same and to arrest any person who wilfully disobeys the same.

When Police officer may arrest without warrant.

73. Any Police officer may, without any order from a Magistrate and without a warrant, arrest—

(*l*) any person who has been concerned in an offence punishable under section 122 or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists, of his having been so concerned ;

(2) any person who contravenes a rule or order under clause (x) of sub-section (1) of section 34 or an order or notification under section 37, 38, 57, 58 or 59 ;

(3) any person who commits an offence punishable under section 123 or section 137.

When Police may arrest without a warrant.

74. Any Police officer may, without an order from a Magistrate and without a warrant, arrest any person committing in his presence any offence punishable under section 3, 3A, 4, 5, 6 or 6C of the Prevention of Cruelty to Animals Act, 1890. XI of 1890.

Powers with regard to offences under Act XI of 1890.

75. Wher ir respect of an animal an offence under section 3 or section 5 or sub-section (1) of section 6 of the Prevention of Cruelty to Animals Act, 1890, hereinafter in this section and in sections 76 and 78 referred to as the said Act has been committed, or, when there is a reasonable ground for suspecting that such offence has been committed, a Police officer may— XI of 1890.

(a) take the animal to a Magistrate, or

(b) if the accused person so requires, take the animal to a veterinary officer, if any, empowered by the State Government in this behalf, or

(c) take the animal to an infirmary appointed under sub-section (2) of section 6 of the said Act for treatment and detention therein, pending direction of a Magistrate under sub-section (3) of the said section, or

(d) when the animal is in such a physical condition that it cannot be taken to a veterinary officer or a Magistrate, draw up a report of the condition of the animal in the presence of two or more respectable persons describing such wounds, sores, fractures, bruises, or other marks of injury as may be found on the body of the animal :

Provided that in cases falling under clause (b) or (d) the Police officer may direct that the animal shall be sent for detention in a dispensary or any suitable place approved by the State Government by general or special order and be there detained until its production before a Magistrate :

Provided further that an animal so detained shall be produced before a Magistrate with the least possible delay and within a period not exceeding three days from the date on which it was sent for detention and shall be handed over to its owner unless the Magistrate passes an order for its further detention in an infirmary.

Power of Magistrate to return animal to person from whose possession it was taken.

76. When an animal is brought before a Magistrate under section 75, the Magistrate may direct the animal to be returned to the person from whose possession it was taken, on such person giving security to the satisfaction of the Magistrate, binding himself to produce the animal when required, or may direct that the animal shall be sent for treatment and care to an infirmary and be there detained as provided in sub-section (3) of section 6 of the said Act or may make such order as he thinks fit regarding the disposal or custody and production of the animal.

Veterinary officer to examine the animal.

77. The veterinary officer before whom an animal is brought under section 75 shall with all convenient speed examine the same and draw up a report of such examination. A copy of the report shall be delivered free of charge to the accused person if he applies for it.

Animal to be dealt with under Act XI of 1890.

78. When under section 75 a Police officer directs that an animal shall be sent for detention in a dispensary or any suitable place before its production before a Magistrate c nder section 75 a Magistrate directs that an animal shall be sent for treatment a d care to an infirmary and be detained therein, the provisions of sub-sections (*5*), (*6*), (*7*) and (*8*) of section 6 of the said Act shall, so far as may be, apply.

Power of Police officer to unsaddle the animal or unload.

79. When a Police officer in good faith suspects that any animal being employed in any work or labour is, by reason of any sore, unfit to be so employed he may require the person in charge of such animal to unsaddle or unload it for the purpose of ascertaining whether any sore exists and, if such person refuses to do so, may himself unsaddle or unload the animal or may cause the same to be unsaddled or unloaded.

When Police may arrest without warrant.

80. Any Police officer may, without an order from a Magistrate and without a warrant, arrest any person committing in his presence any offence punishable under section 123 or 126 or 131 or under section 118, clause (*i*) of section 136 or clause (*i*), (*iv*) or (*v*) of section 132 in respect of a contravention of a rule made under clause (*b*) of sub-section (*1*) of section 34 prohibiting the occupation of or sale or exposure for sale of any goods on any street or portion thereof so as to cause obstruction to traffic or inconvenience to the public or of any rule made under clause (*h*), (*r*) (*ii*) or (*u*) of sub-section (*1*) of section 34 or of a prohibition given under clause (*a*), (*b*) or (*c*) of sub-section (*1*) of section 38, clause (*i*) of section 101, section 107, 111, 113, 114 or clause (*a*) of section 116.

Other powers of arrest.

81. (*1*) Any Police officer specially empowered in this behalf by a competent authority may arrest without warrant for an offence specified in section 111.

(*2*) Any Police officer may, on the information of any person in possession or charge of any dwelling house, private premises, or land or ground attached thereto, arrest without warrant any person alleged to have committed therein or thereon an offence punishable under section 121.

Refusal to obey warning or to accompany Police.

82. A Police officer may arrest without warrant any person committing in his presence in any street or public place any non-cognizable offence punishable under this Act, or under any rule made thereunder and for which no express provision has been made elsewhere or under any other law for the time being in force, if such person—

(*i*) after being warned by a Police officer persists in committing such offence, or

(*ii*) refuses to accompany the Police officer to a Police Station on being required so to do.

Police to take charge of unclaimed property.

83. (*1*) The Police shall take temporary charge—

(*a*) of all unclaimed property found by, or made over to them, and also

(*b*) of all property found lying in any public street, if the owner or person in charge of such property on being directed to remove the same, refuses or omits to do so.

(*2*) In Greater Bombay the property of which the Police have taken charge under sub-section (*1*) shall be handed over to the Commissioner.

Intestate property over two hundred rupees in value.

84. (*1*) In Greater Bombay if any property of the nature referred to in section 83 appears to have been left by a person who has died intestate, and not to be under two hundred rupees in value, the Commissioner shall communicate with the Administrator General, with a view to its being dealt with under the provisions of the Administrator General's Act, 1913, or other law for the time being in force.

III of 1913.

(2) In areas outside Greater Bombay the property shall be delivered to the police-patel, if any, of the town or village in which the same was found, and a receipt therefor taken from the police-patel, who shall forward such property to the Magistrate to whom such police-patel is subordinate. If in any such case there be no police-patel of such town or village, the Police shall forthwith report to such Magistrate as the Magistrate of the district shall, from time to time, appoint in this behalf, and act thereafter as the said first mentioned Magistrate shall direct.

Intestate property over ten rupees in value.

85. If the property regarding which a report is made to a Magistrate under section 84 or under section 19 of the Bombay Village Police Act, 1867, appears to such Magistrate to have been left by a person who has died intestate and without known heirs and to be likely, if sold in public auction, to realise more than ten rupees net proceeds, he shall communicate with the District Judge with a view to its being dealt with under the provisions of section 10 of Bombay Regulation VIII of 1827 (a Regulation to provide for the formal recognition of heirs, etc.) or other law in force. Bom. VIII of 1867.

Procedure in other cases.

86. (1) In any case not covered by section 84 or 85, the Commissioner or the Magistrate concerned, as the case may be, shall issue a proclamation specifying the articles of which such property consists and requiring any person who may have a claim thereto to appear before himself or some other officer whom he appoints in this behalf and establish his claim within six months from the date of such proclamation.

Power to sell perishable property at once.

(2) If the property, or any part thereof, is subject to speedy and natural decay, or consists of live-stock, or if the property appears to be of less value than five rupees, it may be forthwith sold by auction under the orders of the Commissioner, or the Magistrate concerned, as the case may be, and the net proceeds of such sale shall be dealt with in the same manner as is hereinafter provided for the disposal of the said property.

Delivery of property to person entitled.

87. (1) The Commissioner or the Magistrate concerned, as the case may be, on being satisfied of the title of any claimant to the possession or administration of such property, order the same to be delivered to him, after deduction or payment of the expenses properly incurred by the Police in the seizure and detention thereof.

Power to take security.

(2) The Commissioner or the Magistrate concerned, as the case may be, may, at his discretion, before making any order under sub-section (1), take such security as he may think proper from the person to whom the said property is to be delivered, and nothing hereinbefore contained shall affect the right of any person to recover the whole or any part of the same from the person to whom it may have been delivered pursuant to such order.

In default of claim, property to be at disposal of State Government.

88. If no person establishes his claim to such property within such period, it shall be at the disposal of the State Government, and the property, or such part thereof as has not already been sold under sub-section (2) of section 86, may be sold by auction under the orders of the Commissioner, or the Magistrate concerned, as the case may be.

XXXIX of 1925. III of 1913.

89. Nothing in the Indian Succession Act, 1925, or in the Administrator General's Act, 1913, shall apply to intestate property which is dealt with by the Commissioner, under sub-section (*1*) of section 86 nor shall the provisions of section 10 of the Regulation VIII of 1827 likewise be deemed to apply to intestate property which is dealt with by a Magistrate under sub-section (*1*) of section 86. Procedure not affected by Indian Succession Act or Administrator General's Act or Regulation VIII of 1827.

I of 1871.

90. In any area outside Greater Bombay, a Police officer may take charge of any animal falling under the provisions of the Cattle Trespass Act, 1871, which may be found straying in a street, and may take or send the same to the nearest pound, and the owner and other persons concerned shall thereon become subject to the provisions of the said Act. Police officer may take charge of stray cattle.

91. (*1*) In Greater Bombay, the Commissioner and in other areas to which the State Government may by notification in the *Official Gazette* extend the provisions of this section and sections 92, 93, 94 and 95 of this Act, any officer appointed in that behalf by the State Government shall, from time to time, appoint such places as he thinks fit to be public pounds, and may appoint to be keepers of such pounds Police officers of such rank as may be approved by the State Government. Power to establish cattle-pounds and appoint pound-keepers.

(*2*) Every pound-keeper so appointed shall, in the performance of his duties, be subject to the direction and control of the Commissioner, or such officer as aforesaid.

92. It shall be the duty of every Police officer, and it shall be lawful for any other person, to seize and take to any such public pound for confinement therein, any cattle found straying in any street or trespassing upon any private or public property in Greater Bombay or in such areas as aforesaid. Impounding of cattle.

93. If the owner of the cattle impounded under section 92 or his agent appears and claims the cattle, the pound-keeper shall deliver them to him on payment of the pound-fees and expenses chargeable in respect of such cattle under section 95. Delivery of cattle claimed.

94. (*1*) If within ten days after an animal has been impounded no person appearing to be the owner of such animal offers to pay the pound-fee and expenses chargeable under section 95, such animal shall be forthwith sold by auction, and the surplus remaining after deducting the fee and expenses aforesaid from the proceeds of the sale shall be paid to any person who, within fifteen days after the sale, proves to the satisfaction of such officer as the Commissioner authorises in this behalf or any other officer appointed under section 91 that he was the owner of such animal, and shall, in any other case, form part of the consolidated fund of the State. Sale of cattle not claimed.

(*2*) No Police officer or pound-keeper shall, directly or indirectly, purchase any cattle at a sale under sub-section (*1*).

95. (*1*) The pound-fee chargeable shall be such as the State Government may by notification in the Official Gazette, specify for each kind of animal for the whole State or for such area as may be specified in the notification : Rate to be fixed by notification.

Provided that the State Government may, by notification in the *Official Gazette*, from time to time alter the pound-fee to be charged in the case of any animal to an amount not exceeding double the pound-fee chargeable under the foregoing scale.

(2) The expenses chargeable shall be at such rates for each day during any part of which an animal is impounded, as shall from time to time be fixed by the Commissioner or any officer appointed as aforesaid in respect of such animal.

Powers as to inspection, search and seizure of false weights and measures.

96. (1) Notwithstanding anything contained in section 153 of the Criminal Procedure Code, 1898, any Police officer generally or specially deputed, in Greater Bombay, by the Commissioner and elsewhere, by the District Superintendent or any other officer specially empowered in that behalf by the State Government, may without warrant enter any shop or premises for the purpose of inspecting or searching for any weights or measures or instruments for weighing or measuring used or kept therein. V of 1898.

(2) If he finds in such shop or premises weights, measures or instruments for weighing or measuring which he has reason to believe are false, he may seize the same and shall forthwith give information of such seizure to the Magistrate having jurisdiction, and if such weights, measures or instruments shall be found by the Magistrate to be false, they shall be destroyed.

(3) Weights and measures purporting to be of the same denomination as weights and measures, the standards whereof are kept under any law from time to time in force if they do not correspond with the said standards, be deemed to be false within the meaning of this section.

Procedure to be followed by officers and Magistrates in certain cases.

97. (1) Notwithstanding anything contained in sections 129, 130, sub-section (2) of section 167, and section 173 of the Code of Criminal Procedure, 1898— V of 1898.

(*i*) the powers and duties of a Magistrate under sections 129 and 130 of that Code may, in Greater Bombay, be exercised and performed by the Commissioner,

(*ii*) the Presidency Magistrate in Greater Bombay to whom an accused person is forwarded under sub-section (2) of section 167, may, whether he has or has not jurisdiction to try the case, from time to time, authorise the detention of the accused in such custody as such Magistrate thinks fit for a term not exceeding fifteen days at a time,

(*iii*) the officer in charge of the Police station shall forward his report under section 173 of the Code to the Commissioner or such other officer as the Commissioner may direct in that behalf.

(2) Nothing contained in section 62 of the Code of Criminal Procedure, 1898, shall operate to require any officer in charge of a Police Station in Greater Bombay to submit any report provided for by that section to any Magistrate. V of 1898.

(3) Sections 127 and 128 of the Code of Criminal Procedure, 1898, in their application to Greater Bombay shall be amended as follows :— V of 1898.

(*a*) in section 127, for the words " police station" the words " section or any police officer not below the rank of a sub-inspector authorised by the State Government in this behalf " shall be substituted ;

(*b*) in section 128, for the words " police station whether within or without the presidency-towns " the words and figures " section or any police officer authorised under section 127 " shall be substituted.

A superior Police Officer may himself perform duties imposed on his inferior, etc.

98. A Police officer of rank superior to that of constable may perform any duty assigned by law or by a lawful order to any officer subordinate to him; and in case of any duty imposed on such subordinate, a superior where it shall appear to him necessary, may aid, supplement, supersede or prevent any action of such subordinate by his own action or that of any person lawfully acting under his command or authority, whenever the same shall appear necessary or expedient for giving more complete or convenient effect to the law or for avoiding an infringement thereof.

Emergency duties of Police.

99. (*1*) The State Government may, by notification in the Official Gazette, declare any specified service to be an essential service to the community:

Provided that such notification shall remain in force for one month in the first instance, but may be extended, from time to time, by a like notification.

(*2*) Upon a declaration being made under sub-section (*1*) and so long as it remains in force, it shall be the duty of every Police officer to obey any order given by any superior officer in relation to employment upon or in connection with the service specified in the declaration; and every such order shall be deemed to be a lawful order within the meaning and for the purposes of this Act.

CHAPTER VII.

Offences and Punishments.

Disregarding the rule of the road.

100. No person shall

(*a*) when driving a vehicle along a street and except in cases of actual necessity or of some sufficient reason, for deviation, fail to keep, on the left side of such street and when passing any other vehicle proceeding in the same direction fail to keep on the right side of such vehicle; or

Leaving cattle, etc., insufficiently tended.

(*b*) leave in any street or public place insufficiently tended or secured any animal or vehicle,

Causing obstruction or mischief by animal.

101. No person shall cause obstruction, damage, injury, danger, or alarm or mischief in any street or public place,—

(*i*) by any misbehaviour, negligence or ill-usage in the driving, management, treatment or care of any animal or vehicle; or

(*ii*) by driving any vehicle or animal laden with timber, poles, or other unwieldy articles through a street or public place contrary to any regulation made in that behalf and published by the Commissioner, by a District Magistrate or District Superintendent in areas under their respective charge.

Exposing animal for hire or sale etc.

102. No person shall in any street or public place expose for hire or sale any animal or vehicle, clean any furniture or vehicle, or clean or groom any horse or other animal, except at such times and places as the Commissioner in Greater Bombay, and a District Magistrate or District Superintendent elsewhere permits, or shall train or break in any horse or other animal or make any vehicle or any part of a vehicle, or except when in the case of an accident repairing on the spot is unavoidable, repair any vehicle or part of a vehicle or carry on therein any manufacture or operation so as to be a serious impediment to traffic or a serious annoyance to residents or to the public.

Causing any obstruction in a street.

103. No person shall cause obstruction in any street or public place by allowing any animal or vehicle which has to be loaded or unloaded or to take up or set down passengers, to remain or stand therein longer than may be necessary for such purpose, or by leaving any vehicle standing or fastening any cattle therein, or using any part of a street or public place as a halting place for vehicles or cattle, or by leaving any box, bale, package or other thing whatsoever in or upon a street for an unreasonable length of time or contrary to any regulation made and published by the Commissioner, a District Magistrate or District Superintendent, by exposing anything for sale or setting out anything for sale in or upon any stall, booth, board, cask, basket or in any other way whatsoever.

Obstructing footway.

104. No person shall drive, ride, lead, propel or leave on any footway any animal or vehicle other than a perambulator or fasten any animal so that the same can stand across or upon such footway.

Exhibiting mimetic, musical or other performances, etc.

105. No person shall exhibit, contrary to any regulation made and notified by the Commissioner or a District Magistrate as the case may be, any mimetic, musical or other performances of a nature to attract crowds, or carry or place bulky advertisements, pictures, figures or emblems in any street or public place whereby an obstruction to passengers or annoyance to the inhabitants may be occasioned.

Doing offensive acts on or near street or public place.

106. No person shall slaughter any animal, clean a carcass or hide, or bathe or wash his person in or near to and within sight of a street or public place (except at a place set apart for the purpose by order of the Commissioner, a District Magistrate or District Superintendent or some other person having lawful authority in that behalf) so as to cause annoyance to the neighbouring residents or to passers by.

Letting loose horse etc. and suffering ferocious dogs to be at large.

107. No person shall in any street or public place (A) negligently let loose any horse or other animal, so as to cause danger, injury, alarm or annoyance, or suffer a ferocious dog to be at large without a muzzle, or (B) set on or urge a dog or other animal to attack, worry or put in fear any person or horse or other animal.

Bathing or washing in places not set apart for those purposes.

108. No person shall bathe or wash in or by the side of a public well, tank, or reservoir not set apart for such purpose by order of the Commissioner, a District Magistrate, or District Superintendent or of some other person having lawful authority in that behalf, or in or by the side of any pond, pool, aqueduct, part of a river, stream, nala or other source or means of water-supply in which such bathing or washing is forbidden by order of the Commissioner, a District Magistrate, District Superintendent or other person having lawful authority in that behalf.

Defiling water in public wells, etc.

109. No person shall defile or cause to be defiled, the water in any public well, tank, reservoir, pond, pool, aqueduct or part of a river, stream, nala or other source or means of water-supply, so as to render the same less fit for any purpose for which it is set apart as aforesaid.

Obstructing bathers.

110. No person shall obstruct or incommode a person bathing at a place set apart for the purpose as aforesaid by wilful intrusion or by using such place for any purpose for which it is not so set apart.

Behaving indecently in public.

111. No person shall wilfully and indecently expose his person in any street or public place or within sight of, and in such manner as to be seen from, any street or public place, whether from within any house or building or not, or use indecent language or behave indecently or riotously or in a disorderly manner in a street or place of public resort or in any office, station or station house.

Obstructing or annoying passengers in the street.

112. No person shall wilfully push, press, hustle or obstruct any passenger in a street or public place by violent movements, menacing gestures, wanton personal annoyance, screaming, shouting, wilfully frightening horses, or cattle or otherwise disturb the public peace or order.

Misbehaviour with intent to provoke a breach of the peace.

113. No person shall use in any street or public place any threatening, abusive or insulting words or behaviour with intent to provoke a breach of the peace or whereby a breach of the peace may be occasioned.

Prohibition against flying kite.

114. No person shall fly a kite so as to cause danger, injury or alarm to persons, houses or property.

Begging and exposing offensive ailments.

115. No person shall beg importunately for alms or direct or permit children under his control to beg for alms, or expose or exhibit, with the object of exciting charity, any deformity or disease or any offensive sore or wound, in, or near to, and within sight of, any street.

Committing nuisance in or near street, etc.

116. No person shall in or near to any street, public place or place of public resort—

(*a*) commit a nuisance by easing himself, or

(*b*) having the care or custody of any child under seven years of age suffer such child to commit a nuisance as aforesaid.

Disregard of notice in public building.

117. No person shall, in any Court, Police Station, Police office, building occupied by Government or building occupied by any public body, smoke or spit in contravention of a notice by a competent authority in charge of such place and affixed to such Court, Station, office or building.

Penalties for offenders under sections 100 to 117.

118. Any person who contravenes any of the provisions of sections 100 to 117 (both inclusive) shall, on conviction, be punished with fine which may extend to fifty rupees.

Penalty for failure to keep in confinement cattle, etc.

119. (*1*) In any local area in which the State Government by notification in the Official Gazette brings this section into force, whoever through neglect or otherwise fails to keep in confinement or under restraint between one hour after sunset and sunrise any cattle which are his property or in his charge shall, on conviction, be punished with fine which may extend to one hundred rupees or on a second or any subsequent conviction, with fine which may extend to five hundred rupees or with imprisonment which may extend to six months or with both.

Explanation.—Cattle shall not be deemed to be kept in confinement within the meaning of this sub-section unless they are effectively confined within a fence, wall or other enclosure and shall not be deemed to be kept under restraint within the meaning of this sub-section unless they are restrained by means of a rope or other attachment.

(2) Any person may seize any cattle not being kept in confinement or under restraint as required by this section and may take or send the same to the nearest cattle-pound, and the owner and other persons concerned shall thereon become subject to the provisions of the Cattle Trespass Act, 1871. All officers of Police and all police patels and all members of the village police shall, when required, aid in preventing resistance to such seizures and rescues from persons making such seizures. I of 1871.

(3) Any fine imposed under this section, may without prejudice to any other means of recovery provided by law, be recovered by sale of all or any of the cattle in respect of which the offence was committed, whether they are the property of the person convicted of the offence or were only in his charge when the offence was committed.

Punishment for cruelty to animals.

120. Whoever in any place outside Greater Bombay cruelly beats, goads, overworks, ill-treats or tortures or causes or procures to be cruelly beaten, goaded, over-worked, ill-treated or tortured any animal, shall, on conviction, be punished with imprisonment which may extend to one month or with fine which may extend to one hundred rupees, or with both.

Wilful trespass.

121. Whoever without satisfactory excuse wilfully enters or remains in or upon any dwelling house or premises or any land or ground attached thereto, or on any ground, building, monument or structure belonging to Government or appropriated to public purposes, or on any boat or vessel, shall, on conviction, whether he causes any actual damage or not, be punished with fine which may extend to twenty rupees.

False alarm of fire or damage to fire-alarm.

122. Whoever knowingly gives or causes to be given a false alarm of fire to the fire brigade of a municipality or corporation or to any officer or fireman thereof whether by means of a street fire-alarm, statement, message or otherwise, or, with intent to give such false alarm, wilfully breaks the glass of, or otherwise damages a street fire-alarm, shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one hundred rupees or with both.

Being found under suspicious circumstances between sunset and sunrise

123. Whoever is found between sunset and sunrise—

(*a*) armed with any dangerous instrument with intent to commit an offence, or

(*b*) having his face covered, or otherwise disguised, with intent to commit an offence, or

(*c*) in any dwelling-house or other building, or on board any vessel or boat without being able satisfactorily to account for his presence there, or

(*d*) lying or loitering in any street, yard or other place, being a reputed thief and without being able to give a satisfactory account of himself, or

(*e*) having in his possession without lawful excuse (the burden of proving which excuse shall be on such person) any implement of house-breaking, shall on conviction be punished with imprisonment for a term which may extend to three months.

Carrying weapon without authority.

124. Whoever not being a member of the armed forces of the Union and acting as such or a Police officer, goes armed with any sword, spear, bludgeon, gun or other offesive weapon or with any explosive or corrosive substance in any street or public place unless so authorised by lawful authority, shall be liable to be disarmed by any Police officer, and the weapon or substance so seized shall be forfeited to the State Government, unless redeemed within two months by payment of such fine not exceeding five hundred rupees as the Commissioner and the District Magistrate in areas under their respective charge imposes.

Possession of property of which no satisfactory account can be given.

125. Whoever has in his possession or conveys in any manner, or offers for sale or pawn, anything which there is reason to believe is stolen property or property fraudulently obtained, shall, if he fails to account for such possession or to act to the satisfaction of the Magistrate, on conviction be punished with imprisonment for a term which may extend to three months or with fine which may extend to one hundred rupees or with both.

126. Whoever—

Taking spirits into public hospital

(*a*) takes or introduces, or attempts to take or introduce, any spirits or spirituous or fermented liquors or intoxicating drugs or preparations into any public hospital without the permission of a medical officer of such hospital, or

or into barracks or on boards vessels of war.

(*b*) not being amenable to the Articles of War takes or introduces, or attempts to take or introduce, any such spirits, liquors, drugs or preparations not belonging to any person above the rank of a non-commissioned officer,

(*i*) into the barracks or buildings occupied by the troops composing the Garrison of Bombay or into any military barracks, guard-rooms or encampments, or

(*ii*) on board or alongside of any vessel of war belonging to Government,

shall, on conviction, be punished with imprisonment for a term which may extend to two months, or with fine which may extend to one hundred rupees, or with both and such spirits, liquor, drugs or preparations and the vessels containing the same, shall be forfeited to the State Government.

Omission by pawn-brokers etc. to report to Police possession or tender of property suspected to be stolen.

127. Whoever, being a pawn-broker, dealer in second-hand property, or worker in metals, or reasonably believed by the Commissioner, or District Superintendent in the areas under their respective charge to be such a person, and having received from a Police officer written or printed information that the possession of any property suspected to have been transferred by any offence mentioned in section 410 of the Indian Penal Code, or by any offence punishable under section 417, 418, 419 or 420 of the said Code, is found in possession or thereafter comes into the possession, or has an offer either by way of sale, pawn, exchange, or for custody, alteration or otherwise howsoever, made to him, of property answering the description contained in such information, shall, unless—

XLV of 1860.

(*i*) he forthwith gives information to the Commissioner, or the District Superintendent, as the case may be or at a Police station of such possession or offer and takes all reasonable means to ascertain and to give information as aforesaid of the name and address of the person from whom the possession or offer was received, or

(*ii*) the property being, as an article of common wearing apparel or otherwise, incapable of identification from the written or printed information given, has been in no way concealed after the receipt of such information,

on conviction, be punished with fine which may extend to fifty rupees in respect of each such article of property so in his possession or offered to him.

Melting, etc., of such property.

128. Whoever, having received such information as aforesaid, alters, melts, defaces or puts away or causes or suffers to be altered, melted, defaced or put away without the previous permission of the Police any such property, shall, on proof that the same was stolen property within the meaning of section 410 of the Indian Penal Code, or property in respect of which any offence punishable under section 417, 418, 419 or 420 of the said Code has been committed, be punished with imprisonment for a term which may extend to three years, or with fine, or with both. XLV of 1860.

Taking pledge from child.

129. Whoever takes from any child not appearing to be above the age of fourteen years any article whatsoever as a pawn, pledge or security for any sum of money lent, advanced or delivered to such child, or without the knowledge and consent of the owner of the article buys from such child any article whatsoever, shall, on conviction, be punished with fine which may extend to one hundred rupees.

Permission of disorderly conduct at places of public amusement, etc.

130. Whoever, being the keeper of any place of public amusement or entertainment, knowingly permits drunkenness or other disorderly behaviour or any gaming whatsoever, in such place, shall, on conviction, be punished with a fine which may extend to one hundred rupees.

Cheating at games.

131. Whoever, by any fraud or unlawful device or malpractice in playing at or with cards, dice or other game, or in taking a part in the stakes or wagers, or in betting on the sides or hands of the players, or in wagering on the event of any game, sport, pastime or exercise, wins from any other person, for himself or any other or others, any sum of money or valuable thing, shall be deemed guilty of cheating within the meaning of section 415 of the Indian Penal Code, and be liable to punishment accordingly. of 1860.

Penalty for contravening rules, etc., under section 34.

132. (*a*) Whoever contravenes any rule or order made under section 34 or contravenes any of the conditions of a licence issued under any such rule or order, or,

(*b*) abets the commission of any offence under clause (*a*), shall be punished—

(*i*) if the rule or order under which the said licence was issued was made under clause (*d*), (*g*), (*h*), (*i*), sub-clauses (*i*) and (*ii*) of clause (*r*) or clause (*u*) of sub-section (*1*) of section 34, with imprisonment of either description for a term which may extend to eight days or with fine which may extend to fifty rupees or with both ;

(*ii*) if the rule or order contravened was made under clause (*x*) of sub-section (*1*) of section 34, with imprisonment of either description for a term which may extend to three months or with fine which may extend to five hundred rupees or with both ;

(*iii*) if the rule or order contravened or the rule or order under which the said licence was issued was made under clauses (*n*) and (*o*) of sub-section (*1*) of section 34 with fine which may extend to two hundred rupees ;

(*iv*) if the rule or order contravened was made under clause (*b*) of sub-section (*1*) of section 34 and prohibits the sale or exposure for sale of any goods on any street or portion thereof so as to cause obstruction to traffic or incovenience to the public—

(*a*) for the first offence, with imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees or with both, and

(*b*) for a subsequent offence, with imprisonment for a term which may extend to six months and with fine which may extend to five hundred rupees ; and

(*v*) if the rule or order contravened or the rule or order under which the said licence was issued was made under any other clause, with fine which may extend to fifty rupees.

Penalty for disobedience to order under section 32.

133. Whoever contravenes, disobeys, opposes, or fails to conform to an order under section 32 requiring him to vacate any premises, shall be punished with imprisonment which may extend to three months or with fine which may extend to five hundred rupees or with both.

Penalty for contravening rules, etc., under section 36.

134. Whoever contravenes any rule made under section 36 shall be punished with imprisonment of either description for a term which may extend to three months or with fine which may extend to Rs. 200 or with both.

Penalty for contravention of rules, etc., under section 37.

135. Whoever contravenes, disobeys, opposes or fails to conform to any order given by a Police officer under section 37 shall be punished with fine which may extend to two hundred rupees.

Penalty for contravention of rules or directions under section 38, 40 or 41.

136. Whoever disobeys an order lawfully made under section 38, 40 or 41 or abets the disobedience thereof shall be punished—

(*i*) if the order disobeyed or of which the disobedience was abetted was made under sub-section (*1*) of section 38 or under section 40 or section 41, with imprisonment for a term which may extend to one year but shall not except for reasons to be recorded in writing, be less than four months and shall also be liable to fine, and

(*ii*) if the said order made under sub-section (*3*) of section 38, with fine which may extend to rupees one hundred.

Penalty for cont ravening rules, etc., made under section 39.

137. Whoever disobeys any direction lawfully made under section 39 or abets the disobedience thereof shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

Penalty for contravening rules, etc., made under section 42.

138. Whoever opposes or fails to conform to any direction given by the Police under section 42 shall be punished with fine which may extend to two hundred rupees.

Penalty for failure to comply with order under section 43.

139. Whoever fails to comply with an order made under section 43 shall be punished with fine which may extend to twenty-five rupees for every day that such order continues to be disobeyed by him.

Penalty for contravention of a regulation made under section 44.

140. Whoever contravenes or abets the contravention of any regulation made under section 44 shall be punished with imprisonment which may extend to three months or with fine which may extend to two hundred rupees, or with both.

Penalty for contravening directions under section 69.

141. Whoever opposes or fails to conform to any direction given by the Police under section 69 or abets the opposition or failure to do so shall be punished with fine which may extend to fifty rupees.

Penalty for contravention of directions under section 56, 57, 58 or 59.

142. Whoever opposes or disobeys or fails to conform to any direction issued under section 56, 57, 58 or 59, or abets opposition to or disobedience of any such direction shall be punished with imprisonment which may extend to one year but shall not, except for reasons to be recorded in writing, be less than four months, and shall also be liable to fine.

Penalty for entering area from which person has been directed to remove himself.

143. Notwithstanding anything contained in section 63 any person who, in contravention of a direction issued to him under section 56, 57, 58 or 59 enters the area from which he was directed to remove himself shall be punished with imprisonment for a term which may extend to two years, but shall not, except for reasons to be recorded in writing, be less than six months, and shall also be liable to fine.

Penalty for failure to surrender in accordance with sub-section (3) of section 64.

144. Whoever fails without sufficient cause to surrender in accordance with sub-section (3) of section 64 shall be punished with imprisonment which may extend to two years and shall also be liable to fine.

Neglect or refusal to serve as Special Police officer.

145. Any person who having been appointed a Special Police officer under section 22 shall, without sufficient cause, neglect or refuse to serve as such or to obey any lawful order or direction that may be given to him for the performance of his duties, shall, on conviction, be punished with fine which may extend to fifty rupees.

Penalty for making false statement, etc. and for misconduct of Police officers.

146. (1) Any person who makes a false statement or uses a false document for the purpose of obtaining employment or release from employment as a Police officer, or

(2) any Police officer who (a) is guilty of cowardice, or (b) resigns his office or withdraws himself from duties thereof in contravention of section 30, or (c) is guilty of any wilful breach or neglect of any provision of law or of any rule or order which as such Police officer, it is his duty to observe or obey, or (d) is guilty of any violation of duty for which no punishment is expressly provided by any other law in force,

shall on conviction be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

(3) A Police officer who being absent on leave fails, without reasonable cause, to report himself for duty on the expiration of such leave shall, for the purpose of clause (b) of sub-section (2), be deemed to withdraw himself from the duties of his office within the meaning of section 30. Consequence of failure to return to duty after leave.

147. Any Police officer, who wilfully neglects or refuses to deliver up his certificate of appointment or of office or any other article, in accordance with the provision of sub-section (1) of section 31, shall, on conviction, be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both. Penalty for failure to deliver up certificate of appointment or of office or other article.

148. Any Police officer who—

(a) without lawful authority or reasonable cause enters or searches, or causes to be entered or searched, any building, vessel, tent or place ; Vexatious entry, search, arrest, etc., by Police officer.

(b) vexatiously and unnecessarily seizes the property of any person ;

(c) vexatiously and unnecessarily detains, searches or arrests any person ;

(d) offers any unnecessary personal violence to any person in his custody, or

(e) holds out any threat or promise not warranted by law,

shall for every such offence on conviction be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, or with both.

149. Any Police officer who vexatiously and unnecessarily delays forwarding any person arrested to a Magistrate or to any other authority to whom he is legally bound to forward such person, shall on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, or with both. Penalty for vexatious delay in forwarding a person arrested

150. Whoever opposes or fails forthwith to comply with any reasonable direction given by a Magistrate or a Police officer under section 71 or abets opposition thereto or failure to comply therewith, shall be punished with imprisonment for a term which may extend to one year but shall not except for reasons to be recorded in writing be less than four months and shall also be liable to fine. Penalty for opposing or not complying with direction given under section 71.

151. Offences against this Act, when the accused person or any one of the accused persons is a Police officer above the rank of a constable, shall not be cognizable except by a Presidency Magistrate or a Magistrate not lower than a second class Magistrate. Jurisdiction when offender is a Police officer above the rank of constable.

152. It will not, except in obedience to a rule or order made by the State Government or by the competent authority, be incumbent on the Police to prosecute for an offence punishable under section 118, 120, 132, 135, 138, 140, 141 or 145 when such offence has not occasioned serious mischief and has been promptly desisted from on warning given. Prosecution for certain offences against the Act to be in the discretion of the Police

Prosecution for offences under other enactments not affected.

153. Nothing in this Act shall be construed to prevent any person from being prosecuted and punished under any other enactment for any offence made punishable by this Act or from being prosecuted and punished under this Act for an offence punishable under any other enactment :

Provided that all such cases shall be subject to the provisions of section 403 of the Code of Criminal Procedure. V of 1898.

CHAPTER VIII.

Miscellaneous.

Disposal of fees, reward etc.

154. All fees paid for licences or written permissions issued under this Act, and all sums paid for the service of processes by Police officers, and all rewards, forfeitures and penalties or shares thereof which are by law payable to Police officers as informers, shall, save in so far as any such fees or sums belong under the provisions of any enactment in force to any local authority, be credited to the State Government :

Provided that with the sanction of the State Government, or under any rule made by the State Government in that behalf, the whole or any portion of any such reward, forfeiture or penalty may, for special services, be paid to a Police officer, or be divided amongst two or more Police officers.

District Magistrate's authority over Police officers may be delegated to District Superintendent and may be withdrawn.

155. Any District Magistrate may delegate to the District Superintendent any authority which such Magistrate himself possesses for Police purposes over village Police officer, and may withdraw such authority.

No municipal or other rates to be payable by State Government on Police-buildings.

156. No municipal or other local rates shall be payable by the State Government on account of the occupation or use of any house or place in any area other than Greater Bombay by members of the Police Force for the convenient performance of their duties.

Method of proving orders and notifications.

157. Any order or notification published or issued by the State Government or by a Magistrate or officer under any provision of this Act, and the due publication or issue thereof, may be proved by the production of a copy thereof in the *Official Gazette*, or of a copy thereof signed by such Magistrate or officer, and by him certified to be a true copy of an original published or issued according to the provisions of the section of this Act applicable thereto.

Rules and orders not invalidated by defect of form or irregularity in procedure

158. No rule, order, direction, adjudication, inquiry or notification made or published, and no act done under any provision of this Act or of any rule made under this Act, or in substantial conformity to the same, shall be deemed illegal, void, invalid or insufficient by reason of any defect of form or publication or any irregularity of procedure.

Presumption in prosecutions for contravention of directions issued under section 56, 57, 58 or 59.

159. Notwithstanding anything contained in any law for the time being in force, in a prosecution for an offence for the contravention of a direction issued under section 56, 57, 58 or 59 on the production of an authentic copy of the order, it shall, until the contrary is proved and the burden of proving which shall lie on the accused, be presumed—

(*a*) that the order was made by the authority competent under this Act to make it ;

(*b*) that the authority making the order was satisfied that the grounds on or the purpose for which it was made existed, and that it was necessary to make the same ; and

(*c*) that the order was otherwise valid and in conformity with the provisions of this Act.

Forfeiture of bond entered into by person permitted to enter or return to the area from which he was directed to remove himself.

160. If any person permitted under sub-section (*1*) of section 64 fails to observe any condition imposed under the said sub-section or in the bond entered into by him under sub-section (*2*) of the said section his bond shall be forfeited and any person bound thereby shall pay the penalty thereof or show cause to the satisfaction of the Court why such penalty should not be paid.

No Magistrate or Police officer to be liable to penalty or damage for act done in good faith in pursuance of duty.

161. No Commissioner, Magistrate or Police officer shall be liable to any penalty or to payment of damages on account of any act done in good faith in pursuance or intended pursuance of any duty imposed on any authority conferred on him by any provision of this Act or of any rule, order or direction lawfully made or given thereunder.

No public servant liable as aforesaid for giving effect in good faith to any rule, order or direction issued with apparent authority.

162. No public servant or person duly appointed or authorised shall be liable as aforesaid for giving effect in good faith to any such order or direction issued with apparent authority by the State Government or by a person empowered in that behalf under this Act or any rule made under any provision thereof.

Suits or prosecutions in respect of acts done under colour of duty as aforesaid not to be entertained, or to be dismissed, if not instituted within six months.

163. (*1*) In any case of alleged offence by the Commissioner, a Magistrate, Police officer or other person, or of a wrong alleged to have been done by such Commissioner, Magistrate, Police officer or other person, by any act done under colour or in excess of any such duty or authority as aforesaid, or wherein it shall appear to the Court that the offence or wrong if committed or done was of the character aforesaid, the prosecution or suit shall not be entertained, or shall be dismissed, if instituted, more than six months after the date of the act complained of.

In suits as aforesaid one month's notice of suit to be given with sufficient description of wrong complained of.

(*2*) In the case of an intended suit on account of such a wrong as aforesaid, the person intending to sue shall be bound to give to the alleged wrong-doer one month's notice at least of the intended suit with a sufficient description of the wrong complained of, failing which such suit shall be dismissed.

Plaint to set forth service of notice and tender of amends.

(3) The plaint shall set forth that a notice as aforesaid has been served on the defendant and the date of such service, and shall state whether any, and if any, what tender of amends has been made by the defendant. A copy of the said notice shall be annexed to the plaint endorsed or accompanied with a declaration by the plaintiff of the time and manner of service thereof.

Licences and written permissions to specify conditions, etc., and to be signed.

164. (1) Any licence or written permission granted under the provisions of this Act shall specify the period and locality for which, and the conditions and restrictions subject to which, the same is granted, and shall be given under the signature of the competent authority and such fee shall be charged therefor as is prescribed by any rule under this Act in that behalf.

Revocation of licences, etc.

(2) Any licence or written permission granted under this Act may at any time be suspended or revoked by the competent authority, if any of its conditions or restrictions is infringed or evaded by the person to whom it has been granted, or if such person is convicted of any offence in any matter to which such licence or permission relates.

When licence revoked, etc. grantee to be deemed without licence.

(3) When any such licence or written permission is suspended or revoked, or when the period for which the same was granted has expired, the person to whom the same was granted shall, for all purposes of this Act, be deemed to be without a licence or written permission, until the order for suspending or revoking the same is cancelled, or until the same is renewed, as the case may be.

Grantee to produce licence, etc., when required.

(4) Every person to whom any such licence or written permission has been granted, shall, while the same remains in force, at all reasonable time, produce the same, if so required by a Police officer.

Explanation.—For the purpose of this section any such infringement or evasion by, or conviction of, a servant or other agent acting on behalf of the person to whom the licence or written permission has been granted shall be deemed to be infringement or evasion by, or as the case may be, conviction of, the person to whom such licence or written permission has been granted.

Public notices how to be given.

165. Any public notice required to be given under any of the provisions of this Act shall be in writing under the signature of a competent authority and shall be published in the locality to be affected thereby, by affixing copies thereof in conspicuous public places, or by proclaiming the same with beat of drums, or by advertising the same in such local newspapers, English or regional language or Hindi as the said authority may deem fit, or by any two or more of these means and by any other means it may think suitable.

Consent, etc., of a competent authority may be proved by writing under his signature.

166. Whenever under this Act, the doing or the omitting to do anything or the validity of anything depends upon the consent, approval, declaration, opinion or satisfaction of a competent authority, a written document signed by a competent authority purporting to convey or set forth such consent, approval, declaration, opinion or satisfaction shall be sufficient evidence thereof.

Signature on notices, etc., may be stamped.

167. Every licence, written permission, notice or other document, not being a summons or warrant or search warrant, required by this Act, or by any rule thereunder, to bear the signature of the Commissioner, shall be deemed to be properly signed if it bears a fascimile of his signature stamped thereon.

Persons interested may apply to State Government to annul, reverse or alter any rule or order.

168. (1) In the case of any rule or order made by the State Government under an authority conferred by this Act and requiring the public or a particular class of persons to perform some duty or act, or to conduct or order themselves or those under their control in a manner therein described, it shall be competent to any person interested to apply to the State Government by a memorial given to a Secretary to the State Government to annul, reverse or alter the rule or order aforesaid on the ground of its being unlawful, oppressive or unreasonable.

When a suit shall lie to the District Court to declare a rule or order unlawful.

(2) After such an application as aforesaid and the rejection thereof wholly or in part or after the lapse of four months without an answer to such application or a decision thereon published by the State Government, it shall be competent to the person interested and deeming the rule or order contrary to law to institute a suit against the State for a declaration that the rule or order is unlawful either wholly or in part. The decision in such suit shall be subject to appeal; and a rule or order finally adjudged to be unlawful shall by the State Government be annulled or reversed or so altered as to make it conformable to law.

Repeal and saving.

169. (1) The enactments specified in Schedule I are hereby repealed: Provided that—

(i) All rules prescribed, appointments made, powers conferred, orders made or passed, directions and certificates issued, consent, permit, permission or licences given, summons issued or served, warrants issued or served, persons arrested or detained or discharged on bail or bond, search warrants issued, bond forfeited, penalty incurred under any such enactment shall so far as they are consistent with this Act be deemed to have been respectively prescribed, made, conferred, issued and given thereunder.

(ii) All references made in any Bombay Act to any of the Acts hereby repealed shall be read as if made to the corresponding provision of this Act.

(2) Nothing in sub-section (1) shall be deemed to affect—

(a) the validity, invalidity, effect or consequence of anything done or suffered to be done in an area before the date on which the provisions of this Act come into force in such area;

(b) any right, title, obligation or liability already acquired, accrued or incurred before such date;

(c) any penalty, forfeiture or punishment incurred or inflicted in respect of any act before such date;

(d) any investigation, legal proceeding or remedy in respect of such right, privilege, obligation, liability, penalty, forfeiture or punishment;

(e) any legal proceeding pending in any Court or before any officer on the aforesaid date or anything done or suffered to be done in the course of such proceedings; and any such proceeding or any appeal or revisional proceedings arising out of such proceeding shall be instituted, continued or disposed of, as the case may be, as if this Act had not come into force.

(3) The enactment specified in Schedule II in its application to the State of Bombay, is hereby amended to the extent and in the manner mentioned in the fourth column thereof.

Saving of Bombay Village Police Act and enactment relating to reserve Police.

Bom. VIII of 1867.

170. Nothing in this Act shall affect the provisions of the Bombay Village Police Act, 1867, or any enactment which may be made in regard to the reserve Police.

SCHEDULE I.

(*See* Sections 3 and 5 and sub-section (1) of section 169.)

Year.	No.	Short title.
1	2	3
1890	IV	The Bombay District Police Act, 1890.
1902	IV	The City of Bombay Police Act, 1902.
1949	XVI	The Police Forces (Control and Direction) Act, 1949.

SCHEDULE II.

(*See* sub-section (*3*) of section 169.)

Year.	No.	Short title.	Amendment.
1	2	3	4
1898	V	Code of Criminal Procedure.	In clause (*a*) of sub-section (*2*) of section 1 of the Act— (*i*) for the words "towns of Calcutta, Madras and Bombay", the words "towns of Calcutta and Madras" shall be substituted; (*ii*) for the words "towns of Calcutta and Bombay" the words "town of Calcutta" shall be substituted.

SCHEDULE III.

(*See* section 14.)

CERTIFICATE

OF

APPOINTMENT IN THE POLICE FORCE.

No. .....

STATE OF BOMBAY.

Certificate of Appointment issued under Bombay Police Act of 19 .....
..... Act of 1861.

(Photograph to be affixed in the case of Inspectors and Sub-Inspectors.)

Mr.....
has been appointed as ..... and is invested with the powers, functions and privileges of a Police officer under the *Bombay Police Act of 19*

Act V of 1861

Greater Bombay
In the Bombay District Police
Railway Police.

On the ..... day of ..... 19 .

Signature.....

Designation.....

STATEMENT OF OBJECTS AND REASONS.

The Bombay District Police and the Greater Bombay Police Forces are at present governed by two independent Acts, viz. the Bombay District Police Act, 1890, and the City of Bombay Police Act, 1902. The Inspector-General of Police, State of Bombay, was formerly the Head of the Bombay District Police Force while the Commissioner of Police, Bombay, was the Head of the Greater Bombay Police Force.

In the interest of closer co-ordination of the two Forces, efficient administration and discipline, it was found desirable to have one single Police Force with one single Head for the whole of the Police Force in the State of Bombay and to have only one Act for its administration. As a first step to amalgamate the two Forces and to make the Inspector-General of Police the single Head of the two Forces, the Police Forces (Control and Direction) Act, 1949, was enacted.

The object of the present Bill is to amalgamate the two Police Acts into one Act and the two Police Forces into a single homogenous Force.

While drafting the Bill most of the provisions of the Bombay District Police Act, 1890, and the City of Bombay Police Act, 1902, have been combined together so as to evolve out of them new provisions which will apply uniformly to the whole of the State. In the matter of penalties, efforts have been made to arrive at a reasonable compromise between the punishments provided under the two Acts where these were different and where it was not possible, the higher of the two penalties has been provided leaving it to the trying Court, to award a reasonable punishment.

This Bill provides that the Commissioner of Police will continue to be the executive officer responsible for law and order in Greater Bombay. He will exercise such powers and perform such functions and duties as are provided in the Bill or are otherwise directed to be performed by him by the State Government by a general or special order. First proviso to sub-clause (*c*) to clause 7 of the Bill authorises the State Government to direct that any of the powers, functions or duties performed by the Commissioner of Police should be exercised and performed by him subject to the control of the Inspector-General of Police.

Consequent changes due to the decision of Government to abolish the posts of the Divisional Commissioners have also been made in the Bill. Opportunity has also been taken to insert a few new clauses in the Bill, which are desirable from the administrative point of view.

Dated the 19th September 1950. (Signed) MORARJI DESAI.

By order of the Governor of Bombay,

J. R. DHURANDHAR,
Additional Secretary to the Government of Bombay,
Legal Department.

Bombay, dated the 22nd September 1950.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

L. A. BILL No. XLIII OF 1950.

A Bill to consolidate and amend the law for the regulation of the Police Force in the State of Bombay.

(As read for the third time and passed by the Legislative Assembly on the 27th February 1951.)

WHEREAS it is expedient to amalgamate the District and Greater Bombay Police Forces in the State of Bombay into one common Police Force and to introduce uniform methods regarding the working and control of the said Force throughout the State; And whereas it is necessary to consolidate and amend the law relating to the regulation of the said Force and the exercise of powers and performance of functions by the State Government and by the members of the said Force for the maintenance of public order; And whereas it is necessary to provide for certain other purposes hereinafter appearing; It is hereby enacted as follows:—

CHAPTER I.

Preliminary.

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Police Act, 1951.

(*2*) It extends to the whole of the State of Bombay.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, specify in this behalf.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "cattle" includes elephants, camels, horses, asses, mules, sheep, goats and swine;

(*2*) "Corporation" means a Corporation constituted under the Bombay Municipal Corporation Act or the Bombay Provincial Municipal Corporation Act, 1949;

Bom. III of 1888. Bom. LIX of 1949.

(*3*) the expression "competent authority" when used with reference to the exercise or performance of any power, duty or function under the provisions of this Act, means—

(*a*) in relation to Greater Bombay, and other areas for which a Commissioner of Police is appointed under section 7, the Commissioner,

(*b*) in relation to the areas other than those referred to in clause (*a*), the District Magistrate or the District Superintendent or the Additional Superintendent when specially empowered in that behalf by the State Government;

(*4*) "constable" means a police officer of the lowest grade;

(*5*) "district" means a territorial division constituting a district for the purposes of the Code of Criminal Procedure, 1898, but does not include Greater Bombay;

V of 1898.

(*6*) "Inspector-General", "Additional Inspector-General", "Commissioner", "Deputy Inspector-General", "Deputy Commissioner", "Assistant Commissioner", "District Superintendent", "Additional Superintendent", "Assistant Superintendent", and "Deputy Superintendent" mean respectively the Inspector-General of Police, the Additional Inspector-General of Police, a Commissioner of Police including an Additional Commissioner of Police, a Deputy Inspector-General of Police, a Deputy Commissioner of Police, an Assistant Commissioner of Police, a District Superintendent of Police, an Additional Superintendent of Police, an Assistant Superintendent of Police, and a Deputy Superintendent of Police appointed or deemed to be appointed under this Act;

(*7*) "municipality" means a municipality constituted or deemed to be constituted under the Bombay Municipal Boroughs Act, 1925, or the Bombay District Municipal Act, 1901; Bom. XVIII of 1925 Bom. III of 1901.

(*8*) "place" includes a building, a tent, a booth or other erection, whether permanent or temporary, or any area whether enclosed or open;

(*9*) "place of public amusement" means any place where music, singing, dancing, or any diversion or game, or the means of carrying on the same, is provided and to which the public are admitted either on payment of money or with the intention that money may be collected from those admitted and includes a race course, circus, theatre, music hall, billiard room, bagatelle room, gymnasium, fencing school, swimming pool or dancing hall;

(*10*) "place of public entertainment" means any place to which the public are admitted, and where any kind of food or drink is supplied for consumption on the premises by any person owning or having an interest in or managing such place and includes a refreshment room, eating-house, coffee-house, liquor-house, boarding house, lodging house, hotel, tavern or wine, beer, spirit, arrack, toddy, ganja, bhang or opium shop;

(*11*) "Police officer" means any member of the Police Force appointed or deemed to be appointed under this Act and includes a special or an additional Police officer appointed under section 21 or 22.

(*12*) "prescribed" means prescribed by rules;

(*13*) "public place" includes the foreshore, the precincts of every public building or monument, and all places accessible to the public for drawing water, washing or bathing or for the purpose of recreation;

(*14*) "rules" means rules made under this Act;

(*15*) "street" includes any highway, bridge, way over a causeway, viaduct, arch, quay, or wharf or any road, lane, footway, square, court, alley or passage accessible to the public, whether a thoroughfare or not;

(*16*) "subordinate ranks" means members of the Police Force below the rank of the Inspector;

(*17*) "vehicle" means any carriage, cart, van, dray, truck, hand cart or other conveyance of any description and includes a bicycle, a tricycle, a rickshaw, an automatic car, a vessel or an aeroplane.

CHAPTER II.

Superintendence, control and organisation of the Police Force.

3. There shall be one Police Force for the whole of the State : One Police Force for the whole State.

Provided that the members of the Police Forces constituted under any of the Acts mentioned in Schedule I, immediately before the coming into force of this Act, shall be deemed to be the members of the said Police Force.

4. The superintendence of the Police Force throughout the State vests in and is exercisable by the State Government and any control, direction or supervision exercisable by any officer over any member of the Police Force shall be exercisable subject to such superintendence. Superintendence of Police Force to vest in the State Government.

5. Subject to the provisions of this Act— Constitution of Police Force.

(*a*) the Police Force shall consist of such number in the several ranks and have such organization and such powers, functions and duties as the State Government may by general or special order determine;

(*b*) the recruitment, pay, allowances and all other conditions of service of the Police Force shall be such as may from time to time be determined by the State Government by general or special order :

Provided that—

(*i*) the rules or orders governing the recruitment, pay, allowances and other conditions of service of the members of the Police Force constituted under any of the Acts mentioned in Schedule I and deemed to be the members of the Police Force under section 3 shall continue in force until altered or cancelled under clause (*b*),

(*ii*) nothing in this clause shall apply to the recruitment, pay, allowances and other conditions of service of the members of the Indian Police and Indian Police Service.

6. (*1*) For the direction and supervision of the Police Force, the State Government shall appoint an Inspector-General of Police who shall exercise such powers and perform such functions and duties and shall have such responsibilities and such authority as may be provided by or under this Act or orders made by the State Government. Inspector-General, Additional and Deputy Inspector-General.

(*2*) (*a*) The State Government may appoint an Additional Inspector-General and one or more Deputy Inspectors-General of Police.

(*b*) The State Government may direct that any of the powers, functions, duties and responsibilities and the authority of the Inspector-General may be exercised, performed or discharged, as the case may be, by the Additional Inspector-General or a Deputy Inspector-General.

(*c*) The State Government may also by a general or special order direct that the Additional Inspector-General or Deputy Inspector-General shall assist and aid the Inspector-General in the performance, exercise and discharge of his powers, functions, duties, responsibilities and authority in such manner and to such extent as may be specified in the order.

Commissioner.

7. (*a*) The State Government may appoint a Police officer to be the Commissioner of Police for Greater Bombay or any other area specified in a notification issued by the State Government in this behalf and published in the *Official Gazette*..

(*b*) The State Government may also appoint an Additional Commissioner of Police for the areas specified in clause (*a*).

(*c*) The Commissioner shall exercise such powers, perform such functions and duties and shall have such responsibilities and authority as are provided by or under this Act or as may otherwise be directed by the State Government by a general or special order :

Provided that the State Government may direct that any of the powers, functions, duties, responsibilities or authority exercisable or to be performed or discharged by the Commissioner shall be exercised, performed or discharged subject to the control of the Inspector-General :

Provided further that the area for which a Commissioner has been appointed, under this section shall not, unless otherwise provided by or under this Act, be under the charge of the District Magistrate or the District Superintendent for any of the purposes of this Act, notwithstanding the fact that such area forms part of a district within the territorial jurisdiction for which a District Magistrate or a District Superintendent may have been appointed.

Appointment of District, Additional, Assistant and Deputy Superintendents.

8. (*1*) The State Government may appoint for each District or for a part of a District or for one or more Districts a Superintendent and one or more Additional, Assistant and Deputy Superintendents of Police, as it may think expedient.

(*2*) The State Government may, by a general or special order, empower an Additional Superintendent to exercise and perform in the district for which he is appointed or in any part thereof, all or any of the powers, functions or duties to be exercised or performed by a District Superintendent under this Act or under any law for the time being in force.

(*3*) The District Superintendent may, with the previous permission of the State Government, delegate any of the powers and functions conferred on him by or under this Act to an Assistant or Deputy Superintendent.

Principal, Central Police Training School, Nasik.

9. The State Government may appoint any Police Officer not below the rank of a District Superintendent to be the Principal of the Central Police Training School, Nasik, and may assign to him such powers, functions and duties, as it may think fit.

Deputies and Assistants to Commissioner.

10. (*1*) The State Government may appoint one or more Deputy Commissioners and one or more Assistant Commissioners of Police in Greater Bombay or in any area in which a Commissioner has been appointed under clause (*a*) of section 7.

(*2*) Every such Deputy or Assistant Commissioner shall, under the orders of the Commissioner, exercise and perform any of the powers, functions and duties of the Commissioner to be exercised or performed by him under the provisions of this Act or any other law for the time being in force, in accordance with the general or special orders of the State Government made in this behalf:

Provided that the powers to be exercised by the Commissioner under section 13 or 33 shall not be exercisable by a Deputy or Assistant Commissioner.

Superintendent in Greater Bombay.

11. (*1*) The State Government may appoint for Greater Bombay such number of Superintendents of Police as it may think expedient.

(*2*) A Superintendent appointed under sub-section (*1*) shall exercise such powers and perform such duties and functions as can be exercised or performed under the provisions of this Act or any other law for the time being in force or as are assigned to him by the Commissioner under the general or special orders of the State Government :

Provided that the powers to be exercised by the Commissioner under section 13 or 33 shall not be exercisable by the Superintendent.

[Constitution of divisions and sections.]

12. (*1*) Subject to the control of the State Government, the Commissioner for Greater Bombay shall, if he thinks fit,—

(*a*) constitute within the Greater Bombay, Police divisions,

(*b*) sub-divide the same into sections, and

(*c*) define the limits and extent of such divisions and sections.

Officers in charge of divisions and sections.

(*2*) Each such division shall be in charge of a Superintendent of Police and each section shall be in charge of an Inspector of Police.

Inspector-General and Commissioner to exercise the powers of First Class Magistrate and Presidency Magistrate.

13. Subject to the conditions and limitations as may be imposed by the State Government, the powers under sections 94, 96, 97, 98, 105, 523, 524 and 526 of the Code of Criminal Procedure, 1898, may be exercised—

[V of 1898.]

(*1*) in districts, by the Inspector General as a First Class Magistrate ;

(*2*) in Greater Bombay, by the Commissioner for Greater Bombay as a Presidency Magistrate ; and

(*3*) in areas under their respective charges, by other Commissioners as First Class Magistrates.

Certificate of appointment.

14. (*1*) Every Police officer of and below the grade of Inspector, shall on appointment receive a certificate in form provided in Schedule II. The certificate shall be issued under the seal of such officer as the State Government may by general or special order direct.

(*2*) A certificate of appointment shall become null and void whenever the person named therein ceases to belong to the Police Force or shall remain inoperative during the period within which such person is suspended from such Force.

Effect of suspension on Police officer.

15. The powers, functions and privileges vested in a Police officer shall remain suspended whilst such Police officer is under suspension from office :

Provided that notwithstanding such suspension such person shall not cease to be a Police officer and shall continue to be subject to the control of the same authorities to which he would have been, if he was not under suspension.

General powers of Commissioner and District Superintendent.

16. The Commissioner, subject to the orders of the Inspector-General, and the District Superintendent, subject to the orders of the Inspector-General and the District Magistrate, shall, within their respective spheres of authority, direct and regulate all matters of arms, drill, exercise, observation of persons and events, mutual relations, distribution of duties, study of laws, orders and modes of proceedings and all matters of executive detail or the fulfilment of their duties by the Police Force under him.

Control of District Magistrate over Police Force in district.

17. (*1*) The District Superintendent and the Police Force of a district shall be under the control of the District Magistrate.

(*2*) In exercising such control the District Magistrate shall be governed by such rules and orders as the State Government may make in this behalf.

Power of District Magistrate to require reports from District Superintendent.

18. The District Magistrate may require from the District Superintendent reports, either particular or general, on any matter connected with the crimes, habitual offenders, the prevention of disorder, the regulation of assemblies and amusements, the distribution of the Police Force, the conduct and character of any Police officer subordinate to the District Superintendent, the utilization of auxiliary means and all other matters in furtherance of his control of the Police Force and the maintenance of order.

Power of supervision by District Magistrates.

19. If the District Magistrate observes any marked incompetence or unfitness for the locality or for his particular duties, in any Police officer subordinate to the District Superintendent, he may require the District Superintendent to substitute another officer for any officer whom he has power to transfer and the District Superintendent shall be bound to comply with the requisition :

Provided that if the Police officer concerned is an officer of the grade of the Inspector or of a higher grade, the District Magistrate may report his conduct to the Inspector-General. The Inspector-General may, thereafter, determine the action to be taken and pass such orders as he thinks fit, and shall communicate such action or order to the District Magistrate.

Power of Inspector-General and Commissioner to investigate, and regulate matters of Police accounts.

20. The Inspector-General, throughout the State and the Commissioner in the area for which he is appointed, shall, subject to the orders of the State Government, have authority to investigate and regulate all matters of account connected with the Police in the State or in the area, as the case may be, and all persons concerned shall be bound to give him reasonable aid and facilities in conducting such investigations and to conform to his orders consequent thereto.

Special Police officers.

21. (*1*) The Commissioner, the District Superintendent, or any Magistrate not lower in rank than that of second class specially empowered in this behalf by the State Government, may, at any time by a written order signed by himself and sealed with his own seal appoint any able-bodied male person between the ages of 18 and 50, whom he considers fit to be a Special Police officer to assist the Police Force on any occasion, when he has reason to apprehend the occurrence of any riot or grave disturbance of the peace within the limits of his charge and he is of opinion that

the ordinary Police Force is not sufficient for the protection of the inhabitants and for the security of property.

(2) Every special Police officer so appointed shall on appointment—

(a) receive a certificate in a form approved by the State Government in this behalf,

(b) have the same powers, privileges and immunities and be liable to the same duties and responsibilities and be subject to the same authorities as an ordinary Police officer.

Appointment of additional Police.

22. (1) Additional Police officers of such rank or grade for such time and on such pay as the authority specified by or under the provisions of this Act in that behalf may determine, may be employed or deputed for the purpose stated in such provisions.

(2) Every additional Police officer appointed, shall on appointment—

(a) receive a certificate in a form approved by the State Government in this behalf,

(b) be vested with all or such of the powers, privileges and duties of a Police officer as are specially mentioned in the certificate, and

(c) be subject to the orders of the Commissioner or the District Superintendent, as the case may be.

(3) The employment or deputation of such additional Police officer may be made at the request of any person requiring such Police and the cost of such employment shall be recovered in such manner as is provided by or under this Act or under any other law for the time being in force.

CHAPTER III.

Regulation, Control and Discipline of the Police Force.

Framing of rules for administration of the Police.

23. Subject to the orders of the State Government, the Commissioner in the case of the Police Force allocated to Greater Bombay and other areas for which he has been appointed and the Inspector-General in the case of the Police Force allocated to other areas may make rules or orders not inconsistent with this Act or with any other enactment for the time being in force—

(a) regulating the inspection of the Police Force by his subordinates;

(b) determining the description and quantity of arms, accoutrements, clothing and other necessaries to be furnished to the Police;

(c) prescribing the places of residence of members of the Police Force;

(d) for institution, management and regulation of any Police fund for any purpose connected with police administration;

(*e*) regulating, subject to the provisions of section 17, the distribution, movements and location of the Police ;

(*f*) assigning duties to Police officers of all ranks and grades, and prescribing—

(*i*) the manner in which, and

(*ii*) the conditions subject to which, they shall exercise and perform their respective powers and duties ;

(*g*) regulating the collection and communication by the Police of intelligence and information ;

(*h*) generally, for the purpose of rendering the Police efficient and preventing abuse or neglect of their duties.

Inspector-General or Commissioner may call for returns.

24. (*1*) The Inspector-General may, subject to the rules and orders of the State Government, call for such returns, reports and statements on subjects connected with the suppression of crime, the maintenance of order and the performance of their duties as his subordinates may be able to furnish to him. The Inspector-General shall communicate to the District Magistrate any general orders issued by him for the purposes aforesaid or in consequence of the information furnished to him, and also any orders which the State Government may direct.

(*2*) The Commissioner may subject as aforesaid with reference to the area under his charge call for such reports, returns and statements as are provided for in sub-section (*1*).

Punishment of the members of the subordinate ranks of the Police Force departmentally for neglect of duty, etc.

25. (*1*) The State Government, or any officer authorised by sub-section (*2*) in that behalf, may suspend, reduce, dismiss or remove any member of the subordinate ranks of the Police Force whom he shall think cruel, perverse, remiss or negligent in the discharge of his duty or unfit for the same, and may fine to an amount not exceeding one month's pay, any member of the subordinate ranks of the Police Force, who is guilty of any breach of discipline or misconduct or any act rendering him unfit for the discharge of his duty, which does not require his suspension or dismissal.

Punitive powers of Inspector-General, Commissioner, Deputy Inspector-General and District Superintendent.

(*2*) (*a*) The Inspector-General, the Commissioner and the Deputy Inspector-General shall have authority to punish any member of the subordinate ranks under sub-section (*1*). A District Superintendent shall have the like authority in respect of any Police officer subordinate to him below the grade of Inspector and may suspend an Inspector who is subordinate to him pending inquiry into a grave complaint against such Inspector and until an order of the Inspector-General or Deputy Inspector-General can be obtained.

(*b*) The Principal of the Central Police Training School, Nasik, shall also have the like authority in respect of any member of the subordinate ranks of the Police Force below the grade of Inspector serving under him, and in respect of head constables

and constables belonging to the Police Force of the Nasik District or of any other district attached to the said school for duty under him. He may also suspend an Inspector who is subordinate to him, pending inquiry into a grave complaint against such Inspector and until an order of the Inspector-General or Deputy Inspector-General can be obtained.

(*c*) The exercise of any power conferred by this sub-section shall be subject always to such rules and orders as may be made by the State Government in that behalf.

(*3*) Nothing in sub-sections (*1*) and (*2*)—

(*a*) shall affect any Police officer's liability to a criminal prosecution for any offence with which he may be charged; or

(*b*) shall entitle any authority subordinate to that by which the Police officer was appointed, to dismiss or remove him.

Procedure to be observed in awarding punishment.

26. When any officer passes an order for fining, suspending, reducing, removing or dismissing a Police officer, he shall record such order or cause the same to be recorded, together with the reasons therefor and a note of the inquiry made, in writing, under his signature:

Provided that no such order shall be passed without giving him a reasonable opportunity of showing cause against the action proposed to be taken against him except in cases referred to in the proviso (*a*) to clause (2) of Article 311 of the Constitution.

Appeals from orders of punishment.

27. An appeal against any order passed against a Police officer under section 25 or the rules or orders thereunder shall lie to the State Government itself or to such officer as the State Government may by general or special order specify.

Police officers to be deemed to be always on duty and to be liable to employment in any part of the State.

28. (*1*) Every Police officer not on leave or under suspension shall for all purposes of this Act be deemed to be always on duty, and any Police officer or any number or body of Police officers allocated for duty in one part of the State may, if the State Government or the Inspector-General so directs, at any time be employed on Police duty in any other part of the State for so long as the services of the same may be there required.

Intimation of proposed transfers to be given by the Inspector-General to the Commissioner and District Magistrate.

(*2*) Timely intimation shall, except in cases of extreme urgency, be given to the Commissioner and the District Magistrate by the Inspector-General of any proposed transfer under this section, and, except, where secrecy is necessary, the reasons for the transfer shall be explained; whereupon the officers aforesaid and their subordinates shall give all reasonable furtherance to such transfer.

Under what conditions Police officer may resign.

29. (*1*) Except with the written permission of the Commissioner or the Deputy Inspector-General, Criminal Investigation Department, or of the Principal of the Central Police Training School, Nasik, or of the District Superintendent or of some other Police officer empowered by the Inspector-General or the Commissioner to grant such permission, no Police officer of the subordinate

ranks shall resign his office or withdraw himself from the duties thereof, until (*a*) the expiration of two months after written notice of his intention so to do has been given by him to any of the aforesaid officers to whom he is subordinate and until, (*b*) he has fully discharged any debt due by him as such Police officer to Government or to any Police fund.

(*2*) If any such Police officer produces a certificate signed by the Police Surgeon or the Civil Surgeon declaring him to be unfit by reason of disease or mental or physical incapacity for further service in the Police, the necessary written permission to resign shall forthwith be granted to him on his discharging or giving satisfactory security for the payment of any debt due by him as such Police officer, to Government or to any Police fund.

Arrear of pay of a Police officer contravening this section may be forfeited.

(*3*) If any such Police officer as aforesaid resigns or withdraws himself from the duties of his office in contravention of this section, he shall be liable on the order of the Commissioner, or the Deputy Inspector-General, Criminal Investigation Department, or of the Principal of the Central Police Training School, Nasik, or of the District Superintendent, as the case may be, to forfeit all arrears of pay then due to him. This forfeiture shall be in addition to the penalty to which the said officer is liable under section 145 of this Act or any other law in force.

Certificate, arms, etc., to be delivered up by person ceasing to be a Police officer and

30. (*1*) Every person who for any reason ceases to be a Police officer shall forthwith deliver up to some officer empowered by the Commissioner, or the Deputy Inspector-General, Criminal Investigation Department, or the Principal of the Central Police Training School, Nasik, or the District Superintendent to whom such Police officer is subordinate to receive the same, his certificate of appointment or of office and the arms, accoutrements, clothing and other necessaries which have been furnished to him for the performance of duties and functions connected with his office.

if not delivered up may be seized under a search warrant.

(*2*) Any Magistrate and, for special reasons which shall be recorded in writing at the time, the Commissioner or the Deputy Inspector-General, Criminal Investigation Department, or the Principal of the Central Police Training School, Nasik, or any District Superintendent, Assistant Superintendent, or Deputy Superintendent may issue a warrant to search for and seize, wherever they be found, any certificate, arms, accoutrements, clothing or other necessaries not so delivered up. Every warrant so issued shall be executed in accordance with the provisions of the Code of Criminal Procedure, 1898, by a Police officer or, if the Magistrate, the Commissioner, the Deputy Inspector-General, Criminal Investigation Department, the Principal of the Central Police Training School, Nasik, the District Superintendent, the Assistant Superintendent or the Deputy Superintendent issuing the warrant so directs, by any other person.

V of 1898.

Saving of certain articles.

(*3*) Nothing in this section shall be deemed to apply to any article which, under the orders of the Inspector-General, or the Commissioner, as the case may be, has become the property of the person to whom the same was furnished.

Occupation of and liability to vacate premises provided for Police officers.

31. (*1*) Any Police officer occupying any premises provided by the State Government for his residence—

(*a*) shall occupy the same subject to such conditions and terms as may, generally or in special cases, be specified by the State Government, and

(*b*) shall, notwithstanding anything contained in any law for the time being in force, vacate the same on his ceasing to be a Police officer or whenever the State Government or any officer authorised by the State Government in this behalf thinks it necessary and expedient to require him to do so.

(*2*) If any person who is bound or required under sub-section (*1*) to vacate any premises fails to do so, the State Government or the officer authorised in this behalf by the State Government may order such person to vacate the premises and may

direct any Police officer with such assistance as may be necessary to enter upon the premises and remove therefrom any person found therein and to take possession of the premises and deliver the same to any person specified in the direction.

III of 1888.

32. Subject to the provisions of the Police Act, 1888, and save in so far as the operation of this section may be temporarily suspended by the special order of the State Government, nothing in Chapters II and III shall be deemed to affect any officers of the Railway Police employed within the limits of the State of Bombay on Police functions connected with the administration of any railway and any such Police officer shall, in the discharge of such functions, be vested with the powers, privileges and be subject to the liabilities of a Police officer of the establishment to which he belongs.

Saving in regard to Railway Police.

CHAPTER IV.

Police Regulations.

33. (*1*) The Commissioner and the District Magistrate, in areas under their respective charges or any part thereof, may make, alter or rescind rules or orders not inconsistent with this Act for—

Power to make rules for regulation of traffic and for preservation of order in public place, etc.

(*a*) licensing and controlling persons offering themselves for employment at quays, wharves and landing places, and outside Railway stations, for the carriage of passengers' baggages, and fixing and providing for the enforcement of a scale of charges for the labour of such persons so employed ;

(*b*) regulating traffic of all kinds in streets and public places, and the use of streets and public places by persons riding, driving, cycling, walking or leading or accompanying cattle, so as to prevent danger, obstruction or inconvenience to the public ;

(*c*) regulating the conditions under which vehicles may remain standing in streets and public places, and the use of streets as halting places for vehicles or cattle ;

(*d*) prescribing the number and position of lights to be used on vehicles in streets and the hours between which such lights shall be used ;

(*e*) prescribing certain hours of the day during which cattle shall not be driven along the streets, or along certain specified streets, except subject to such regulations as he may prescribe in that behalf ;

(*f*) regulating the leading, driving, conducting or conveying of any elephant or wild or dangerous animal through or in any street ;

(*g*) regulating and controlling the manner and mode of conveying timber, scaffold poles, ladders, iron girders, beams or bars, boilers or other unwieldy articles through the streets, and the route and hours for such conveyance ;

(*h*) licensing, controlling or, in order to prevent the obstruction, inconvenience, annoyance, risk, danger or damage of the residents or passengers in the vicinity, prohibiting the carrying in streets and public places of gunpowder or any other explosive substance ;

(*i*) prohibiting, except along certain specified streets and during specified hours and subject to such regulations as he may prescribe in that behalf, the exposure or movement in any street of persons or animals suffering from contagious or infectious diseases and the carcasses of animals or part thereof and the corpses of persons deceased ;

(*j*) prescribing certain hours of the day during which ordure or offensive matter or objects shall not be taken from or into houses or buildings in certain streets or conveyed through such streets except subject to such rules as he may make in that behalf ;

(*k*) setting apart places for the slaughtering of animals, the cleaning of carcasses or hides, the deposit of noxious or offensive matter and for obeying calls of nature;

(*l*) in cases of existing or apprehended epidemic or infectious disease of men or animals, the cleanliness and disinfection of premises by the occupier thereof and residents therein and the segregation and management of the persons or animals diseased or supposed to be diseased, as may have been directed or approved by the State Government, with a view to prevent the disease or to check the spreading thereof;

(*m*) directing the closing or disuse, wholly or for certain purposes, or limiting to certain purposes only the use of any source, supply or receptacle of water, and providing against pollution of the same or of the water therein;

(*n*) licensing, controlling or, in order to prevent the obstruction, inconvenience, annoyance, risk, danger or damage of the residents or passengers in the vicinity, prohibiting the playing of music, the beating of drums, tom-toms or other instruments and the blowing or sounding of horns or other noisy instruments in or near streets or public places;

(*o*) regulating the conduct of and behaviour or action of persons constituting assemblies and processions on or along the streets and prescribing in the case of processions, the routes by which, the order in which and the times at which the same may pass;

(*p*) prohibiting the hanging or placing of any cord or pole across a street or part thereof, or the making of a projection or structure so as to obstruct traffic or the free access of light and air;

(*q*) prohibiting, except under such reasonable rules as he may make, the placing of building materials or other articles or the fastening or detention of any horse or other animals in any street or public place;

(*r*) licensing, controlling or, in order to prevent obstruction, inconvenience, annoyance, risk, danger or damage of the residents or passengers in the vicinity, prohibiting—

(*i*) the illumination of streets and public places and the exteriors of building abutting thereon by persons other than servants of Government or Municipal officers duly authorized in that behalf,

(*ii*) the blasting of rock or making excavations in or near streets or public places,

(*iii*) the using of a loudspeaker in any public place or place of public entertainment;

(*s*) closing certain streets or places temporarily, in cases of danger from ruinous buildings or other cause, with such exceptions as shall appear reasonable;

(*t*) guarding against injury to person and property in the construction, repair and demolition of buildings, platforms and other structures from which danger may arise to passengers, neighbours or the public;

(*u*) prohibiting the setting fire to or burning any straw or other matter, or lighting a bonfire or wantonly discharging a fire-arm or air-gun, or letting off or throwing a fire-work, or sending up a fire balloon or rocket in or upon or within fifty feet of a street or building or the putting up of any post or other thing on the side of or across a street for the purpose of affixing thereto lamps or other contrivances for illumination, except subject to such reasonable rules, as he may make in that behalf;

(*v*) regulating the hours during which and the manner in which any place for the disposal of the dead, any dharmashala, village-gate or other place of public

resort may be used, so as to secure the equal and appropriate application of its advantages and accommodation and to maintain orderly conduct amongst those who resort thereto ;

(*w*) (*i*) licensing or controlling places of public amusement or entertainment ;

(*ii*) prohibiting the keeping of places of public amusement or entertainment or assembly, in order to prevent obstruction, inconvenience, annoyance, risk, danger or damage to the residents or passengers in the vicinity ;

(*iii*) regulating the means of entrance and exit at places of public amusement or entertainment or assembly, and providing for the maintenance of public safety and the prevention of disturbance thereat ;

(*x*) regulating or prohibiting the sale of any ticket or pass for admission, by whatever name called, to a place of public amusement ;

(*y*) prescribing the procedure in accordance with which any licence or permission sought to be obtained or required under this Act should be applied for, and fixing the fees to be charged for any such licence or permission :

Provided that nothing in this section and no licence granted under any rule made thereunder shall authorize any person to import, export, transport, manufacture, sell or possess any liquor or intoxicating drug, in respect of which a licence, permit, pass or authorisation is required under the Bombay Prohibition Act, 1949, or under any other law for the time being in force relating to the Abkari revenue or shall affect the liability of any person under any such law, or shall in any way affect the provisions of the Arms Act, 1878, or of the Explosives Act, 1884, or of any rules made under either of those enactments, or the liability of any person thereunder :

Bom. XXV of 1949.

XI of 1878.

IV of 1884.

Provided further that any action taken under the rules or orders made under this sub-section or the grant of a licence made under such rules or orders shall be subject to the control and supervision of the State Government.

(*2*) (*i*) The power of making, altering or rescinding rules under clauses (*a*), (*b*) and (*c*) of sub-section (*1*) shall be subject to the control of the State Government.

(*ii*) The power of making, altering or rescinding rules under the remaining clauses of sub-section (*1*) shall be subject to the previous sanction of that Government.

(*3*) Every rule made under clause (*v*) of sub-section (*1*) with respect to the use of a place for the disposal of the dead shall be framed with due regard to ordinary and established usages and to the necessities of prompt disposal of the dead in individual cases.

(*4*) Every rule promulgated under the authority of clause (*l*) of sub-section (*1*) shall, if made in relation to any area outside Greater Bombay, be forthwith reported to the State Government or such authority as the State Government may appoint in this behalf.

(*5*) If any rule or order made or promulgated under this section relates to any matter with respect to which there is a provision in any law, rule or by-law of any municipal or local authority in relation to the public health, convenience or safety of the locality, such rule or order shall be subject to such law, rule or by-law of the municipal or local authority, as the case may be.

(*6*) The power of making, altering or rescinding rules under this section shall be subject to the condition of the rules being made, altered or rescinded after previous publication, and every rule made or alteration or rescission of a rule made under this section shall be published in the *Official Gazette* and in the locality affected thereby by affixing copies thereof in conspicuous places near to the building, structure, work or place, as the case may be, to which the same specially relates or by proclaiming the same by the beating of drum or by advertising the same in such local newspapers in English or in the local language,

as the authority making, altering or rescinding the rule may deem fit or by any two or more of these means or by any other means it may think suitable :

Provided that any such rules may be made, altered or rescinded without previous publication if the Commissioner or the District Magistrate, as the case may be, is satisfied that circumstances exist which renders it necessary that such rules or alterations therein or rescission thereof should be brought into force at once.

(7) Notwithstanding anything hereinbefore contained in this section or which may be contained in any rule made thereunder, it shall always be lawful for the competent authority to refuse a licence for, or to prohibit the keeping of any place of public amusement or entertainment by a person of notoriously bad character.

(8) It shall be the duty of all persons concerned to conform to any order duly made as aforesaid so long as the same shall be in operation.

Competent authority may authorise erection of barriers on streets.

34. The Commissioner and the District Superintendent in areas under their respective charges may, whenever in his opinion such action is necessary, authorise such Police officer as he thinks fit to erect barriers on any street for the purpose of stopping temporarily vehicles driven on such street and satisfy himself that the provisions of any law for the time being in force have not been contravened in respect of any such vehicle or by the driver of or the person in charge of such vehicle. The said authority may also make such orders as it deems fit for regulating the use of such barriers.

Power to make rules prohibiting disposal of the dead except at places set apart.

35. (1) A competent authority may, from time to time, make rules prohibiting the disposal of the dead, whether by cremation, burial or otherwise at places other than those set apart for such purpose :

Provided that no such rules shall be made in respect of any such town or place in which places have not been so set apart :

Provided further that the competent authority or any officer authorised by it in this behalf may, in its or his discretion on an application made to it or him by any person, grant to such person permission to dispose of the corpse of any deceased person at any place other than a place so set apart, if in its or his opinion such disposal is not likely to cause obstruction to traffic or disturbance of the public peace or is not objectionable for any other reason.

(2) Any rules made under sub-section (1) shall specify the places set apart for the disposal of the dead of different communities or sections of communities.

(3) All such rules shall be subject to the condition of previous publication and the date to be specified under clause (c) of section 24 of the Bombay General Clauses Act, 1904, shall not be earlier than two months from the date on which the draft of the proposed rules is published. Bom. I of 1904.

Explanation.—For the purposes of this section, a place set apart for the disposal of the dead means a place set apart for such purpose under any custom, usage or law for the time being in force.

Power of Commissioner or the District Superintendent and of other officers to give direction to the public.

36. In areas under their respective charges the Commissioner, and subject to his orders every Police officer not inferior in rank to an Inspector, and the District Superintendent and subject to his orders any Police officer of not lower than such rank as may be specified by the State Government in that behalf, may, from time to time as occasion may arise, but not so as to contravene any rule or order under section 33 give all such orders either orally or in writing as may be necessary to—

(a) direct the conduct of, and behaviour or action of persons constituting processions or assemblies on or along the streets ;

(b) prescribe the routes by which and the times at which any such processions may or may not pass ;

(c) prevent obstructions on the occasion of all processions and assemblies and in the neighbourhood of all places of worship during the time of worship and in all cases when any street or public place or place of public resort may be thronged or liable to be obstructed ;

(*d*) keep order on and in all streets, quays, wharves, and at and within public bathing, washing and landing places, fairs, temples and all other places of public resort ;

(*e*) regulate and control the playing of music or singing, or the beating of drums, tom-toms and other instruments and the blowing or sounding of horns or other noisy instruments, in or near any street or public place ;

(*f*) make reasonable orders subordinate to and in furtherance of any order made by a competent authority under sections 33, 35, 37 to 40, 42, 43 and 45 of this Act.

Power to prohibit certain acts for prevention of disorder.

37. (*1*) The Commissioner and the District Magistrate in areas under their respective charges may, whenever and for such time as he shall consider necesary for the preservation of public peace or public safety by a notification publicly promulgated or addressed to individuals, prohibit at any town, village or place or in the vicinity of any such town, village or place—

(*a*) the carrying of arms, cudgels, swords, spears, bludgeons, guns, knives, sticks or lathis, or any other article, which is capable of being used for causing physical violence,

(*b*) the carrying of any corrosive substance or of explosives,

(*c*) the carrying, collection and preparation of stones or other missiles or instruments or means of casting or impelling missiles,

(*d*) the exhibition of persons or corpses or figures or effigies thereof,

(*e*) the public utterance of cries, singing of songs, playing of music,

(*f*) delivery of harangues, the use of gestures or mimetic representations, and the preparation, exhibition or dissemination of pictures, symbols, placards or any other object or thing which may in the opinion of such authority offend against decency or morality or undermine the security of or tend to over-throw the State.

(*2*) If any person goes armed with any such article or carries any corrosive substance or explosive or missile in contravention of such prohibition, he shall be liable to be disarmed or the corrosive substance or explosive or missile shall be liable to be seized from him by any Police officer, and the article corrosive substance, explosive or missile so seized shall be forfeited to the State Government.

(*3*) The authority empowered under sub-section (*1*) may also by order in writing prohibit any assembly or procession whenever and for so long as it considers such prohibition to be necessary for the preservation of the public order :

Provided that no such prohibition shall remain in force for more than fifteen days without the sanction of the State Government.

(*4*) The authority empowered under sub-section (*1*) may also by public notice temporarily reserve for any public purpose any street or public place and prohibit persons from entering the area so reserved, except under such conditions as may be prescribed by such authority.

Power to prohibit, etc. continuance, of music, sound or noise.

38. (*1*) If the Commissioner or District Superintendent is satisfied from the report of an officer in charge of a Police Station or other information received by him that it is necessary to do so in order to prevent annoyance, disturbance, discomfort or injury or risk of annoyance, disturbance, discomfort or injury to the public or to any persons who dwell or occupy property in the vicinity, he may, by a written

order issue such directions as he may consider necessary to any person for preventing, prohibiting, controlling or regulating—

(*a*) the incidence or continuance in or upon any premises of—

(*i*) any vocal or instrumental music,

(*ii*) sounds caused by the playing, beating, clashing, blowing or use in any manner whatsoever of any instrument, appliance or apparatus or contrivance which is capable of producing sound, or

(*b*) the carrying on, in or upon, any premises of any trade, avocation or operation resulting in or attended with noise.

(*2*) The authority empowered under sub-section (*1*) may, either on its own motion or on the application of any person aggrieved by an order made under sub-section (*1*), either rescind, modify or alter any such order:

Provided that before any such application is disposed of, the said authority shall afford to the applicant an opportunity of appearing before it either in person or by pleader and showing cause against the order and shall, if it rejects any such application either wholly or in part, record its reasons for such rejection.

Issue of orders for prevention of riot, etc.

39. (*1*) In order to prevent or suppress any riot or grave disturbance of peace, the Commissioner and the District Superintendent, in areas under their respective charges, may temporarily close or take possession of any building or place, and may exclude all or any persons therefrom, or may allow access thereto to such persons only and on such terms as he shall deem expedient. All persons concerned shall be bound to conduct themselves in accordance with such orders as the authority making orders may make and notify in exercise of the authority hereby vested in it.

Compensation to lawful occupier of building or place closed or taken possession of.

(*2*) If the lawful occupier of such building or place suffers substantial loss or injury by reason of the action taken under sub-section (*1*), he shall be entitled, on application made to the authority concerned within one month from the date of such action, to receive reasonable compensation for such loss or injury, unless such action was in the opinion of such authority rendered necessary either by the use to which such building or place was put or intended to be put or by the misconduct of persons having access thereto.

Disputes as to compensation to be settled.

(*3*) In the event of any dispute in any case under sub-section (*2*) the decision of the Chief Presidency Magistrate or the District Magistrate, as the case may be, shall be conclusive as to the amount (if any) to be paid, and as to the person to whom it is to be paid.

Issue of orders for maintenance of order at religious ceremonials, etc.

40. (*1*) In any case of an actual or intended religious or ceremonial or corporate display or exhibition or organised assemblage in any street or public place, as to which or the conduct of or participation in which it shall appear to a competent authority that a dispute or contention exists which is likely to lead to grave disturbance of the peace, such authority may give such orders as to the conduct of the persons concerned towards each other and towards the public as it shall deem necessary and reasonable under the circumstances, regard being had to the apparent legal rights and to any established practice of the parties and of the persons interested. Every such order shall be published in the town or place wherein it is to operate, and all persons concerned shall be bound to conform to the same.

(*2*) Any order under sub-section (*1*) shall be subject to a decree, injunction or order made by a Court having jurisdiction, and shall be recalled or altered on its being made to appear to the authority making the order that such order is

inconsistent with a judgment, decree, injunction or order of such Court, on the complaint, suit or an application of any person interested, as to the rights and duties of any persons affected by the order aforesaid.

Police to provide against disorder, etc., at places of amusement and public meetings.

41. (*1*) For the purpose of preventing serious disorder or breach of the law or manifest and imminent danger to the persons assembled at any public place of amusement or at an assembly or meeting to which the public are invited or which is open to the public, the senior Police officer of highest rank superior to that of constable, present at such place of amusement or such assembly or meeting may, subject to such rules and orders as may have been lawfully made, give such reasonable directions as to the mode of admission of the public to, and for securing the peaceful and lawful conduct of the proceedings and the maintenance of the public safety at such place of amusement or such assembly or meeting, as he thinks necessary and all persons shall be bound to conform to every such reasonable direction.

Police to have free access thereto.

(*2*) The Police shall have free access to every such place of amusement, assembly or meeting, for the purpose of giving effect to the provisions of sub-section (*1*) and to any direction made thereunder.

Discontinuance of brothels.

42. On complaint being made to the District Magistrate or a Sub-Divisional Magistrate that any house in a town or village in his district or sub-division to which the State Government has by notification extended this section is used as a common brothel or lodging house or place of resort for prostitutes or disorderly persons of any description, to the annoyance of the respectable inhabitants of the vicinity, the said Magistrate may summon the owner or tenant of the house to answer the complaint, and on being satisfied that the house is so used may order the owner or tenant, within a reasonable period, which shall be set forth in the order, to discontinue such use of it.

District Magistrate may take special measures to prevent outbreak of epidemic disease at fair, etc.

43. (*1*) Whenever it shall appear to the Commissioner or District Magistrate that any place in the areas under their respective charges, at which, on account of a pilgrimage, fair or other such occurrence, large bodies of persons have assembled or are likely to assemble is visited or will probably be visited with an outbreak of any epidemic disease, he may take such special measures and may by public notice prescribe such regulations to be observed by the residents of the said place and by persons present thereat or repairing thereto or returning therefrom as he shall deem necessary to prevent the outbreak of such disease or the spread thereof.

(*2*) It shall be lawful for the District Magistrate or for the Collector or the Chief Presidency Magistrate on the requisition of the Commissioner or the District Magistrate to assess and levy such reasonable fees on persons falling under the provisions of sub-section (*1*) as will provide for the expenses of the arrangements for sanitation and the preservation of order at and about the place of assemblage.

(*3*) When the place of assemblage is within the limits of a municipality or corporation such sums as shall be necessary for the purposes aforesaid may be recovered from the municipality or corporation.

Destruction of stray dogs.

44. (*1*) The Commissioner and the District Superintendent in areas under their respective charges may from time to time, by public notice, proclaim that any stray dogs found, during such period as may be specified in the said notice,

wandering in the streets or in any public place may be destroyed, and any dog so found within such period may be destroyed accordingly.

(*2*) The authority empowered under sub-section (*1*) may by public notice require that every dog, while in any street or public place and not led by some person, shall be muzzled in such a manner as effectually to prevent it from biting, while not obstructing its breathing or drinking, and the Police may, so long as such notice remains in force, destroy, or take possession of and detain, any dog found loose without muzzle in any street or place beyond the premises of the owner thereof:

Provided that any dog so found, wearing a collar on which an apparently genuine name and address of an owner is inscribed, shall not, unless it is rabid, be forthwith destroyed, but information of the detention thereof shall forthwith be sent by post or otherwise to such owner.

(*3*) Any dog which has been detained under sub-section (*2*) for a period of three clear days without the owner providing a muzzle and paying all expenses connected with such detention, may be destroyed or sold with the sanction and under the orders of the competent authority.

(*4*) The proceeds of the sale of any dog under sub-section (*3*) shall be applied, as far as may be, in discharge of the expenses incurred in connection with its detention, and the balance, if any, shall form part of the consolidated fund of the State.

(*5*) Any expenses incurred in connection with the destruction or detention of any dog under this section shall, subject to the provisions of sub-section (*4*), be recoverable from the owner thereof upon a warrant issued by the competent authority as if it were a warrant under section 386 of the Code of Criminal Procedure, 1898. V of 1898.

...on of suffering or unfit animals.

45. (*1*) Any Police officer who in any street or public place other than a place of worship finds any animal other than a bull or a cow so diseased, or so severely injured, and in such a physical condition, that in his opinion it cannot without cruelty be removed, shall, if the owner is absent or refuses to consent to the destruction of the animal, at once summon the Veterinary Practitioner in charge of the area in which the animal is found and, if the Veterinary Practitioner certifies that the animal is mortally injured, or so severely injured, or so diseased, or in such a physical condition, that it is cruel to keep it alive, the Police officer may, without the consent of the owner, destroy the animal or cause it to be destroyed:

Provided that if in the opinion of the Veterinary Practitioner the animal can be removed from the place where it is found without causing it great suffering, and, if the owner or person in charge of the animal or in their absence any other person on the spot is willing and offers to remove the animal to a Veterinary Hospital or Panjrapol within such time as the Veterinary Practitioner considers reasonable, the Veterinary Practitioner shall allow the animal to be removed by such owner, person in charge of the animal or other person. If the owner or person in charge of the animal or such other person is unwilling or fails so to remove the animal, the Veterinary Practitioner may direct the Police officer to remove the animal before it is destroyed from the place where it is found to such other place as he may think fit:

Provided further that when the animal is destroyed in any street or public place it shall, as far as possible, be screened from the public gaze while it is being destroyed.

(*2*) The State Government may appoint such persons as it thinks fit to be Veterinary Practitioners and may declare the areas of which they shall be in charge for the purposes of this Act.

46. Every power conferred by this Chapter on a District Superintendent not specially empowered by the State Government to exercise that power or on any officer subordinate to him shall be exercised by him subject to the orders of the District Magistrate and all rules, regulations and orders made under this Chapter shall, if made by the Commissioner, be governed by such rules and orders as the State Government may from time to time make in this behalf and, if made by the District Magistrate or the District Superintendent specially empowered in that behalf, shall be subject to the provisions of section 17.

Powers under this Chapter to be exercised by District Superintendent subject to the control of District Magistrate and Commissioner and by District Magistrates subject to the control of State Government.

CHAPTER V.

Special measures for maintenance of public order and safety of State.

I. Employment of additional Police, recovery of cost thereof and of riot compensation—its assessment and recovery.

47. (*1*) The Commissioner or District Superintendent may, on the application of any person, depute any additional number of Police to keep the peace, to preserve order or to enforce any of the provisions of this or any other Act in respect of any particular class or classes of offences or to perform any other Police duties at any place in the area under his charge.

Employment of additional Police on application of a person.

(*2*) Such additional Police shall be employed at the cost of the person making the application, but shall be subject to the orders of the Police authorities and shall be employed for such period as the appointing authority thinks fit.

(*3*) If the person upon whose application such additional Police are employed shall at any time make a written requisition to the appointing authority to which the application for the employment of additional Police was made, for the withdrawal of the said Police, he shall be relieved from the cost thereof at the expiration of such period not exceeding one month from the date of the delivery of such requisition, as the State Government or the appointing authority, as the case may be, shall determine.

48. (*1*) Whenever it appears to the State Government or a competent authority that—

Employment of additional police at large works and when apprehension regarding behaviour of employees exists.

(*a*) any large work which is being carried on or any public amusement which is being conducted is likely to impede the traffic or to attract a large number of people, or

(*b*) that the behaviour or a reasonable apprehension of the behaviour, of the persons employed on any railway, canal or other public work, or in or upon any manufactory or other commercial concern under construction or in operation at any place necessitates the employment of additional Police at such place, the State Government or the competent authority may depute such additional Police to the said place as it shall think fit and keep the said Police employed at such place for so long as such necessity shall appear to it to continue.

(2) Such additional Police shall be employed at the cost of the person by whom the work, amusement, manufactory or concern is being constructed, conducted or carried on and the said person shall pay the costs therefor at such rates as the State Government or the competent authority, as the case may be, shall from time to time require.

Recovery of cost of additional Police employed under sections 47 and 48.

49. In case of any dispute under section 47 or 48 the decision of the Chief Presidency Magistrate, in Greater Bombay, and the District Magistrate, in the district, shall be conclusive as to the amount to be paid and as to the person by whom it is to be paid and the sum so ascertained may, on the requisition of the Chief Presidency Magistrate or the District Magistrate, be recovered by the Collector as if it were an arrear of land revenue due by the person found to be answerable therefor.

Employment of additional Police in cases of special danger to public peace.

50. (1) If in the opinion of the State Government any area is in a disturbed or dangerous condition or in which the conduct of the inhabitants or of any particular section of the inhabitants renders it expedient temporarily to employ additional Police, it may by notification in the Official Gazette specify—

(a) the area (hereinafter called " the disturbance area ") in which the additional Police is to be employed,

(b) the period for which the additional Police is to be employed :

Provided that the period fixed under clause (b) may be extended by the State Government from time to time, if in its opinion it is necessary to do so in the general interest of the public. The cost of the additional Police shall be a tax imposed under this section and shall be recovered in the manner prescribed in the succeeding sub-sections.

(2) The decision of the State Government under clauses (a) and (b) of sub-section (1) shall be final.

(3) On the issue of such notification, the State Government may require,—

(a) in any disturbance area which is within the limits of a Corporation, the Municipal Commissioner, the Collector or any other authority,

(b) in any disturbance area which is within the limits of a municipality, the municipality, the Collector or any other authority,

(c) in any disturbance area which is outside the areas specified in clauses (a) and (b), the Collector or any other authority,

to recover, whether in whole or in part, the cost of such additional Police generally from all persons who are inhabitants of the disturbance area or specially from any particular section or sections, or class or classes of such persons, and in such proportion as the State Government may direct :

Provided that where the Municipal Commissioner or the Municipality is directed to recover such cost, an additional sum not exceeding 3 per cent. of the amount of such cost shall also be recoverable.

(4) (i) The State Government may require the Municipal Commissioner or the Municipality to recover such cost and the additional sum by an addition to the general or property tax which shall be imposed and levied in all or such of the municipal wards, sub-wards or sections thereof, as the State Government may direct. Every addition to the general or property tax imposed under this sub-section shall be recovered by the Municipal Commissioner or the Municipality from each person liable therefor in the same manner as the general or property tax due from him. The provisions of the relevant Municipal Act shall apply to any such addition as if

it were part of the general or property tax levied under the said Act. Such addition shall be a charge along with the general or property tax, on the properties, in such municipal wards or sub-wards or sections.

(*ii*) The State Government may also require the Municipal Commissioner or the Municipality to recover such cost and the additional sum from each person liable therefor under sub-section (*3*) in such manner as the State Government may direct.

(*iii*) Where the Municipal Commissioner or a Municipality makes default in imposing and levying any such tax or in making such recovery, the State Government may direct the Collector to impose and levy such tax or to make such recovery.

(*5*) Every amount recoverable by the Collector or other authority under this section shall be recoverable as if it were an arrear of land revenue due by the person liable therefor.

(*6*) It shall be lawful for the State Government by order to exempt any person from liability to bear any portion of the cost of such additional Police.

(*7*) Out of the total amount recovered by the Municipal Commissioner or by a Municipality under sub-section (*4*) or (*5*) whether before or after the coming into operation of this Act the amount of the cost shall be paid to the State Government and the balance, if any, shall be credited to the municipal fund constituted under the relevant Municipal Act. Such amount of cost shall be paid to the State Government every three months.

Explanation.—In this section the expression "inhabitants" when used with reference to any area includes persons who themselves or by their agents or servants occupy or hold land or other immovable property within such area and landlords who themselves or by their agents or servants collect rent from holders or occupiers of land in such area notwithstanding that they do not actually reside therein.

Compensation for injury caused by unlawful assembly, how recoverable. Date to be fixed for liability.

51. (*1*) When any loss or damage is caused to any property or when death results or grievous hurt is caused to any person or perons, by anything done in the prosecution of the common object of an unlawful assembly; the State Government may, by notification in the Official Gazette, specify—

(*a*) the area, (hereinafter called "the disturbance area"), in which in its opinion such unlawful assembly was held;

(*b*) the date on which or the period during which such unlawful assemby was held.

(*2*) The decision of the State Government under clauses (*a*) and (*b*) of sub-section (*1*) shall be final.

(*3*) On the issue of a notification under sub-section (*1*), the Chief Presidency Magistrate, in Greater Bombay, and the District Magistrate, in Districts, may, after such inquiry as he deems necessary, determine the amount of the compensation, which, in his opinion, should be paid to any person or persons in respect of the loss or damage or death or grievous hurt aforesaid. The amount of compensation shall be a tax imposed under this section and shall be recovered in the manner prescribed in the succeeding sub-sections.

(*4*) The Chief Presidency Magistrate or the District Magistrate, as the case may be, may require—

(*a*) in any disturbance area which is within the limits of a Corporation, the Municipal Commissioner, the Collector or any other authority;

(*b*) in any disturbance area which is within the limits of a municipality, the municipality, the Collector or any other authority, and

(*c*) in any disturbance area which is outside the area specified in clauses (*a*) and (*b*), the Collector or any other authority

to recover the amount (hereinafter called " the compensation amount ") as determined under sub-section (*3*) either in whole or in part and where the Municipal Commissioner or the Municipality is required to recover such amount, an additional sum not exceeding three per cent. of the compensation amount (hereinafter referred to as " the Municipal recovery cost "), generally from all persons who were inhabitants of the disturbance area or specially from any particular section or sections, or class or classes of such persons in the said area, and in such proportion as the Chief Presidency Magistrate or the District Magistrate may direct.

(*5*) (*i*) The Chief Presidency Magistrate or the District Magistrate, as the case may be, may require the Municipal Commissioner or the Municipality concerned to recover the compensation amount and the municipal recovery cost by an addition to the general or property tax which shall be imposed and levied in the disturbance area. Every addition to the general or property tax imposed under this sub-section shall be recovered by the Municipal Commissioner or the Municipality concerned from each person liable therefor in the same manner as the general or property tax due from him. The provisions of the relevant Municipal Act shall apply to any such addition as if it were part of the general or property tax levied under the relevant Municipal Act. Such addition shall be a charge along with the general or property tax on the properties in the area aforesaid.

(*ii*) The Chief Presidency Magistrate or the District Magistrate, as the case may be, may also require the Municipal Commissioner or the Municipality concerned to recover the compensation amount and the municipal recovery cost from each person liable therefor under sub-section (*4*) in such manner as he may direct.

(*6*) Where a Municipal Commissioner or a Municipality makes a default in imposing and levying any such tax or in making any such recovery, the State Government may direct the Collector to impose and levy such tax or to make such recovery.

(*7*) Every amount recoverable by the Collector or other authority under this section shall be recoverable as if it were an arrear of land revenue due by the person liable therefor.

(*8*) Out of the total amount recovered by the Municipal Commissioner or by a Municipality under sub-section (*5*) or (*7*), whether before or after the coming into operation of this Act, the proportionate amount of the municipal recovery cost shall be deducted therefrom and the amount not exceeding the compensation amount determined by the Chief Presidency Magistrate or the District Magistrate, as the case may be, under sub-section (*3*) shall be paid to him for the payment of compensation to the persons entitled thereto and the balance, if any, shall be credited to the municipal fund constituted under the relevant Municipal Act. Such amount shall be paid to the Chief Presidency Magistrate or the District Magistrate, as the case may be, every three months.

(*9*) It shall be lawful for the Chief Presidency Magistrate or the District Magistrate, as the case may be, by order, to exempt any persons from liability to pay any portion of the compensation amount.

(*10*) The State Government may, (*a*) on its own motion, or (*b*) on an application made by a person within a period of thirty days from the date of the order of the Chief Presidency Magistrate or a District Magistrate, as the case may be, granting or refusing to grant an exemption thereunder, set aside or modify such order.

Explanation.—In this section the expression "inhabitants" when used with reference to any disturbance area includes persons who themselves or by their agents or servants occupy or hold land or other immovable property within such area and landlords who themselves or by their agents or servants collect rent from holders or occupiers of land in such area, notwithstanding that they do not actually reside therein.

Chief Presidency Magistrate or District Magistrate to award or apportion compensation.

52. (*1*) It shall be lawful for the Chief Presidency Magistrate or the District Magistrate, as the case may be, to award or apportion all or any moneys recovered as compensation amount under sub-sections (*3*) to (*8*) of section 51 to any person or among all or any persons whom he considers entitled to compensation in respect of the loss or damage or death or grievous hurt aforesaid

(*2*) No compensation shall be awarded under this section except upon a claim made within 45 days from the date of the notification issued by the State Government under sub-section (*1*) of section 51 and unless the Chief Presidency Magistrate or the District Magistrate, as the case may be, is satisfied that the person claiming compensation or where such claim is made in respect of the death of any person, that that person also has himself been free from blame in connection with the occurrences which led to the loss, damage, death or grievous hurt as aforesaid.

(*3*) The compensation payable to any person under section 51 in respect of death or grievous hurt shall not in any way be capable of being assigned or charged or be liable to attachment or to pass to any person other than the person entitled to it by operation of law, nor shall any claim be set off against the same.

(*4*) Every direction and order made by the Chief Presidency Magistrate or the District Magistrate, as the case may be, under this or the preceding section shall be subject to revision by the State Government, but save as aforesaid, shall be final.

(*5*) No civil suit shall be maintainable in respect of any loss or injury for which compensation has been granted under this section.

Chief Presidency Magistrate or District Magistrate to discharge functions under orders of State Government.

53. The Chief Presidency Magistrate or the District Magistrate, as the case may be, shall discharge his functions under sections 51 and 52 subject to any general or special orders of the State Government in this behalf.

Proportionate recovery of the cost of additional Police and compensation for loss caused by unlawful assembly.

54. (*1*) Notwithstanding anything contained in the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947, where under the provisions of section 50 or 51, the Municipal Commissioner, the Municipality or the Collector, as the case may be, is required to recover the cost of the additional police including the additional sum referred to in sub-section (*3*) of section 50 (hereinafter called "the additional cost") or the compensation amount and the municipal recovery cost (hereinafter called "the riot tax") by an addition to the general or property tax, the landlord from whom any portion of the additional cost or the riot tax is recovered, in respect of any premises shall be entitled to recover 75 per cent. of such portion from the tenant in the occupation of the premises during the period fixed under sub-section (*1*) of section 50 or on the date or during the greater part of the period specified under clause (*b*) of sub-section (*1*) of section 51, as the case may be, in the manner specified in sub-section (*2*).

Bom. LVII of 1947.

(2) The amount referred to in sub-section (1) and to be recovered from a tenant referred to therein shall bear the same proportion as the rent payable by him in respect of the premises in his occupation bears to the total amount of rent recoverable for the whole premises if let, and the same shall be recoverable from the tenant in not less than four equal instalments.

(3) The provisions of sub-section (1) in so far as they relate to the recovery of the riot tax from the tenants shall not apply to Greater Bombay during the period during which section 10B of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947, is in force in the said area. Bom. LVII of 1947.

II. Dispersal of Gangs and Removal of Persons convicted of certain offences.

Dispersal of gangs and bodies of persons.

55. Whenever it shall appear in Greater Bombay and in other areas in which a Commissioner is appointed under section 7 to the Commissioner and in a district to the District Magistrate, the Sub-Divisional Magistrate or the District Superintendent specially empowered by the State Government in that behalf, that the movement or encampment of any gang or body of persons in the area in his charge is causing or is calculated to cause danger or alarm or reasonable suspicion that unlawful designs are entertained by such gang or body or by members thereof, such officer may, by notification addressed to the persons appearing to be the leaders or chief men of such gang or body and published by beat of drum or otherwise as such officer thinks fit, direct the members of such gang or body so to conduct themselves as shall seem necessary in order to prevent violence and alarm, or disperse and each of them to remove himself outside the area within the local limits of his jurisdiction within such time as such officer shall prescribe, and not to enter the area or return to the place from which each of them was directed to remove himself.

Removal of persons about to commit offence

56. Whenever it shall appear in Greater Bombay and other areas for which a Commissioner has been appointed under section 7 to the Commissioner and in other area or areas to which the State Government may, by notification in the *Official Gazette*, extend the provisions of this section, to the District Magistrate, or the Sub-Divisional Magistrate specially empowered by the State Government in that behalf (*a*) that the movements or acts of any person are causing or calculated to cause alarm, danger or harm to person or property, or (*b*) that there are reasonable grounds for believing that such person is engaged or is about to be engaged in the commission of an offence involving force or violence or an offence punishable under Chapter XII, XVI or XVII of the Indian Penal Code, or in the abetment of any such offence, and when in the opinion of such officer witnesses are not willing to come forward to give evidence in public against such person by reason of apprehension on their part as regards the safety of their person or property, or (*c*) that an outbreak of epidemic disease is likely to result from the continued residence of an immigrant, the said officer may, by an order in writing duly served on him or by beat of drum or otherwise as he thinks fit, direct such person or immigrant so to conduct himself as shall seem necessary in order to prevent violence and alarm or the outbreak or spread of such disease or to remove himself outside the area within the local limits of his jurisdiction by such route and within such time as the said officer may prescribe and not to enter or return to the said area from which he was directed to remove himself. XLV of 1860.

57. If a person has been convicted—

(*a*) of an offence under Chapter XII, XVI or XVII of the Indian Penal Code, or

(*b*) twice of an offence under section 9 or 23 of the Bombay Beggars Act, 1945, or under the Bombay Prevention of Prostitution Act, 1923, or

(*c*) thrice of an offence within a period of three years under section 4 or 12*A* of the Bombay Prevention of Gambling Act, 1887, or under the Bombay Prohibition Act, 1949.

Removal of persons convicted of certain offences.

XLV of 1860. Bom. XXIII of 1945. Bom. XI of 1923. Bom. IV of 1887. Bom. XXV of 1949.

the Commissioner, the District Magistrate or the Sub-Divisional Magistrate specially empowered by the State Government in this behalf, if he has reason to believe that such person is likely again to engage himself in the commission of an offence similar to that for which he was convicted, may direct such person to remove himself outside the area within the local limits of his jurisdiction, by such route and within such time as the said officer may prescribe and not to enter or return to the area from which he was directed to remove himself.

Explanation.—For the purpose of this section "an offence similar to that for which a person was convicted" shall mean—

(*i*) in the case of a person convicted of an offence mentioned in clause (*a*), an offence falling under any of the Chapters of the Indian Penal Code mentioned in that clause, and

(*ii*) in the case of a person convicted of an offence mentioned in clauses (*b*) and (*c*), an offence falling under the provisions of the Acts mentioned respectively in the said clauses.

58. A direction made under section 55, 56 or 57 not to enter any particular area shall be for such period as may be specified therein and shall in no case exceed a period of two years from the date on which it was made.

Period of operation of orders under sections 55, 56 and 57.

59. (*1*) Before an order under section 55, 56 or 57 is passed against any person the officer acting under any of the said sections or any officer above the rank of an Inspector authorised by that officer shall inform the person in writing of the general nature of the material allegations against him and give him a reasonable opportunity of tendering an explanation regarding them. If such person makes an application for the examination of any witness produced by him, the authority or officer concerned shall grant such application; and examine such witness, unless for reasons to be recorded in writing, the authority or officer is of opinion that such application is made for the purpose of vexation or delay. Any written statement put in by such person shall be filed with the record of the case. Such person shall be entitled to appear before the officer proceeding under this section by an advocate or attorney for the purpose of tendering his explanation and examining the witnesses produced by him.

Hearing to be given before order under section 55, *56, or 57* is passed.

(*2*) The authority or officer proceeding under sub-section (*1*) may, for the purpose of securing the attendance of any person against whom any order is proposed to be made under section 55, 56 or 57, require such person to appear before him and to pass a security bond with or without sureties for such attendance during the inquiry. If the person fails to pass the security bond as required or fails to appear before the officer or authority during the inquiry, it shall be lawful to the officer or authority to proceed with the inquiry and thereupon such order as was proposed to to be passed against him may be passed.

Appeal.

60. Any person aggrieved by an order made under section 55, 56 or 57 may appeal to the State Government within thirty days from the date of such order.

Finality of orders passed by State Government in certain cases.

61. Any order passed under section 55, 56 or 57 or by the State Government under section 60 shall not be called in question in any Court except on the ground that the authority making the order or any officer authorised by it had not followed the procedure laid down in sub-section (*1*) of section 59 or that there was no material before the authority concerned upon which it could have based its order or on the ground that the said authority was not of opinion that witnesses were unwilling to come forward to give evidence in public against the person in respect of whom an order was made under section 56.

Procedure on failure of person to leave the area and his entry therein after removal.

62. If a person to whom a direction has been issued under section 55, 56 or 57 to remove himself from an area—

(*i*) fails to remove himself as directed,

or

(*ii*) having so removed himself, except with the permission in writing of the authority making the order, enters the area within the period specified in the order,

the authority concerned may cause him to be arrested and removed in police custody to such place outside the area as the said authority may in each case prescribe.

Temporary permission to enter or return to the area from which a person was directed to remove himself.

63. (*1*) The State Government may, by order, permit any person in respect of whom an order has been made under section 55, 56 or 57, to enter or return for a temporary period to the area from which he was directed to remove himself, subject to such conditions as it may by general or special order specify and which such person accepts and may, at any time, revoke any such permission.

(*2*) In permitting a person under sub-section (*1*) to enter or return to the area from which he was directed to remove himself, the State Government may require him to enter into bond with or without surety for the observance of the conditions imposed.

(*3*) Any person permitted under sub-section (*1*) to enter or return to the area from which he was directed to remove himself shall surrender himself at the time and place and to the authority specified in the order or in the order revoking the said order, as the case may be.

CHAPTER VI.

Executive powers and duties of the Police.

Duties of a Police officer.

64. It shall be the duty of every Police officer—

(*a*) promptly to serve every summons and obey and execute every warrant or other order lawfully issued to him by competent authority, and to endeavour by all lawful means to give effect to the lawful commands of his superior;

(*b*) to the best of his ability to obtain intelligence concerning the commission of cognizable offences or designs to commit such offences, and to lay such information and to take such other steps, consistent with law and with the orders of his superiors, as shall be best calculated to bring offenders to justice or to prevent the commission of cognizable, and within his view of non-cognizable offences ;

(*c*) to prevent to the best of his ability the commission of public nuisances ;

(*d*) to apprehend without unreasonable delay all persons whom he is legally authorised to apprehend and for whose apprehension there is sufficient reason ;

(*e*) to aid another Police officer when called on by him or in case of need in the discharge of his duty, in such ways as would be lawful and reasonable on the part of the officer aided ;

(*f*) to discharge such duties as are imposed upon him by any law for the time being in force.

Power to enter places of public resort.

65. (*1*) Every Police officer may, subject to the rules and orders made by the State Government or by a person lawfully authorized, enter for any of the purposes referred to in section 64 without a warrant, and inspect any place of public resort which he has reason to believe is used as drinking shop, or a shop for the sale of intoxicating drugs or a place of resort of loose and disorderly characters.

Power to search suspected persons in a street.

(*2*) When in a street or a place of public resort a person has possession or apparent possession of any article which a Police officer in good faith suspects to be stolen property, such Police officer may search for and examine the same and may require an account thereof, and, should the account given by the possessor be manifestly false or suspicious, may detain such article and report the facts to a Magistrate, who shall thereon proceed according to sections 523 and 525 of the Code of Criminal Procedure, 1898, or other law in force.

V of 1898.

Duties of Police officers towards the public.

66. It shall be the duty of every Police officer—

(*a*) to afford every assistance within his power to disabled or helpless persons in the streets, and to take charge of intoxicated persons and of lunatics at large who appear dangerous or incapable of taking care of themselves ;

(*b*) to take prompt measures to procure necessary help for any person under arrest or in custody, who is wounded or sick, and whilst guarding or conducting any such person, to have due regard to his condition ;

(*c*) to arrange for the proper sustenance and shelter of every person who is under arrest or in custody ;

(*d*) in conducting searches, to refrain from needless rudeness and the causing of unnecessary annoyance ;

(*e*) in dealing with women and children, to act with strict regard to decency and with reasonable gentleness ;

(*f*) to use his best endeavours to prevent any loss or damage by fire ;

(*g*) to use his best endeavours to avert any accident or danger to the public.

Police to regulate traffic, etc. in streets.

67. It shall be the duty of a Police officer—

(*a*) to regulate and control the traffic in the streets, to prevent obstructions therein and, to the best of his ability, to prevent the infraction of any rule or order made under this Act or any other law in force for observance by the public in or near the streets;

(*b*) to keep order in the streets and at and within public bathing, washing and landing places, fairs, temples and all other places of public resort and in the neighbourhood of places of public worship during the time of public worship;

(*c*) to regulate resort to public bathing, washing and landing places, to prevent overcrowding thereat and in public ferry-boats and, to the best of his ability, to prevent the infraction of any rule or order lawfully made for observance by the public at any such place or on any such boat.

Persons bound to conform to reasonable orders of Police.

68. All persons shall be bound to conform to the reasonable directions of a Police officer given in fulfilment of any of his duties under this Act.

Power of Police officer to restrain, remove, etc.

69. A Police officer may restrain or remove any person resisting or refusing or omitting to conform to any direction referred to in section 68 and may either take such person before a Magistrate or, in trivial cases, may release him when the occasion is past.

Enforcement of orders issued under section 37, 38 or 39.

70. Whenever a notification has been duly issued under section 37 or an order has been made under section 38 or 39, it shall be lawful for any Magistrate in a District or Police officer to require any person acting or about to act contrary thereto to desist or to abstain from so doing, and, in case of refusal or disobedience, to arrest the person offending. Such Magistrate or Police officer may also seize any object or thing used or about to be used in contravention of such notification, or order as aforesaid, and the thing seized shall be disposed of according to the order of any District Magistrate having jurisdiction at the place.

Duty of Police to see orders issued under section 43, 55, 56 or 57 are carried out.

71. It shall be the duty of the Police to see that every regulation and direction made by any authority under section 43, 55, 56 or 57 is duly obeyed, to warn persons who from ignorance fail to obey the same and to arrest any person who wilfully disobeys the same.

When Police officer may arrest without warrant.

72. Any Police officer may, without any order from a Magistrate and without a warrant, arrest—

(*1*) any person who has been concerned in an offence punishable under section 121 or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists, of his having been concerned in such offence;

(*2*) any person who contravenes a rule or order under clause (*x*) of sub-section (*1*) of section 33 or an order or notification under section 36, 37, 56 or 57;

(*3*) any person who commits an offence punishable under section 122 or section 136.

When Police may arrest without a warrant.

73. Any Police officer may, without an order from a Magistrate and without a warrant, arrest any person committing in his presence any offence punishable under section 3, 3A, 4, 5, 6 or 6C of the Prevention of Cruelty to Animals Act, 1890. XI of 1890.

Powers with regard to offences under Act XI of 1890.

74. When in respect of an animal an offence under section 3 or section 5 or sub-section (*1*) of section 6 of the Prevention of Cruelty to Animals Act, 1890, hereinafter in this section and in sections 75 and 77 referred to as the said Act has been committed, or, when there is a reasonable ground for suspecting that such offence has been committed, a Police officer may— XI of 1890.

(*a*) take the animal to a Magistrate, or

(*b*) if the accused person so requires, take the animal to a veterinary officer, if any, empowered by the State Government in this behalf, or

(*c*) take the animal to an infirmary appointed under sub-section (*2*) of section 6 of the said Act for treatment and detention therein, pending direction of a Magistrate under sub-section (*3*) of the said section, or

(*d*) when the animal is in such a physical condition that it cannot be taken to a veterinary officer or a Magistrate, draw up a report of the condition of the animal in the presence of two or more respectable persons describing such wounds, sores, fractures, bruises, or other marks of injury as may be found on the body of the animal :

Provided that in cases falling under clause (*b*) or (*d*) the Police officer may direct that the animal shall be sent for detention in a dispensary or any suitable place approved by the State Government by general or special order and be there detained until its production before a Magistrate :

Provided further that an animal so detained shall be produced before a Magistrate with the least possible delay and within a period not exceeding three days from the date on which it was sent for detention and shall be handed over to its owner unless the Magistrate passes an order for its further detention in an infirmary.

Power of Magistrate to return animal to person from whose possession it was taken.

75. When an animal is brought before a Magistrate under section 74, the Magistrate may direct the animal to be returned to the person from whose possession it was taken, on such person giving security to the satisfaction of the Magistrate, binding himself to produce the animal when required, or may direct that the animal shall be sent for treatment and care to an infirmary and be there detained as provided in sub-section (*3*) of section 6 of the said Act or may make such order as he thinks fit regarding the disposal or custody and production of the animal.

Veterinary officer to examine the animal.

76. The veterinary officer before whom an animal is brought under section 74 shall with all convenient speed examine the same and draw up a report of such examination. A copy of the report shall be delivered free of charge to the accused person if he applies for it.

Animal to be dealt with under Act XI of 1890.

77. When under section 74 a Police officer directs that an animal shall be sent for detention in a dispensary or any suitable place before its production before a Magistrate or under section 74 a Magistrate directs that an animal shall be sent for treatment and care to an infirmary and be detained therein, the provisions of sub-sections (*5*), (*6*), (*7*) and (*8*) of section 6 of the said Act shall, so far as may be, apply.

Power of Police officer to unsaddle the animal or unload.

78. When a Police officer in good faith suspects that any animal being employed in any work or labour is, by reason of any sore, unfit to be so employed, he may require the person in charge of such animal to unsaddle or unload it for the purpose of ascertaining whether any sore exists and, if such person refuses to do so, may himself unsaddle or unload the animal or may cause the same to be unsaddled or unloaded.

When Police may arrest without warrant.

79. Any Police officer may, without an order from a Magistrate and without a warrant, arrest any person committing in his presence any offence punishable under section 122 or 125 or 130 or under section 117, clause (*i*) of section 135 or clause (*i*), (*iv*) or (*v*) of section 131 in respect of a contravention of a rule made under clause (*b*) of sub-section (*1*) of section 33 prohibiting the occupation of or sale or exposure for sale of any goods on any street or portion thereof so as to cause obstruction to traffic or inconvenience to the public or of any rule made under clause (*h*), (*r*) (*ii*) or (*u*) of sub-section (*1*) of section 33 or of a prohibition given under clause (*a*), (*b*) or (*c*) of sub-section (*1*) of section 37, clause (*i*) of section 100, section 106, 110, 112, 113 or clause (*a*) of section 115.

Other powers of arrest.

80. (*1*) Any Police officer specially empowered in this behalf by a competent authority may arrest without warrant for an offence specified in section 110.

(*2*) Any Police officer may, on the information of any person in possession or charge of any dwelling house, private premises, or land or ground attached thereto, arrest without warrant any person alleged to have committed therein or thereon an offence punishable under section 120.

Refusal to obey warning or to accompany Police.

81. A Police officer may arrest without warrant any person committing in his presence in any street or public place any non-cognizable offence punishable under this Act, or under any rule made thereunder and for which no express provision has been made elsewhere or under any other law for the time being in force, if such person—

(*i*) after being warned by a Police officer persists in committing such offence, or

(*ii*) refuses to accompany the Police officer to a Police Station on being required so to do.

Police to take charge of unclaimed property.

82. (*1*) The Police shall take temporary charge—

(*a*) of all unclaimed property found by, or made over to them, and also

(*b*) of all property found lying in any public street, if the owner or person in charge of such property on being directed to remove the same, refuses or omits to do so.

(*2*) In Greater Bombay the property of which the Police have taken charge under sub-section (*1*) shall be handed over to the Commissioner.

Intestate property over four hundred rupees in value.

83. (*1*) In Greater Bombay if any property of the nature referred to in section 82 appears to have been left by a person who has died intestate, and not to be under four hundred rupees in value, the Commissioner shall communicate with the Administrator General, with a view to its being dealt with under the provisions of the Administrator General's Act, 1913, or other law for the time being in force.

III of 1913.

(2) In areas outside Greater Bombay the property shall be delivered to the police-patel, if any, of the town or village in which the same was found, and a receipt therefor taken from the police-patel, who shall forward such property to the Magistrate to whom such police-patel is subordinate. If in any such case there be no police-patel of such town or village, the Police shall forthwith report to such Magistrate as the Magistrate of the district shall, from time to time, appoint in this behalf, and act thereafter as the said first mentioned Magistrate shall direct.

Intestate property over four hundred rupees in value.

84. If the property regarding which a report is made to a Magistrate under section 83 or under section 19 of the Bombay Village Police Act, 1867, appears to such Magistrate to have been left by a person who has died intestate and without known heirs and to be likely, if sold in public auction, to realise more than four hundred rupees net proceeds, he shall communicate with the District Judge with a view to its being dealt with under the provisions of section 10 of Bombay Regulation VIII of 1827 (a Regulation to provide for the formal recognition of heirs, etc.) or other law in force.

Bom. VIII of 1867.

Procedure in other cases.

85. (1) In any case not covered by section 83 or 84 the Commissioner or the Magistrate concerned, as the case may be, shall issue a proclamation specifying the articles of which such property consists and requiring any person who may have a claim thereto to appear before himself or some other officer whom he appoints in this behalf and establish his claim within six months from the date of such proclamation.

Power to sell perishable property at once.

(2) If the property, or any part thereof, is subject to speedy and natural decay, or consists of live-stock, or if the property appears to be of less value than five rupees, it may be forthwith sold by auction under the orders of the Commissioner, or the Magistrate concerned, as the case may be, and the net proceeds of such sale shall be dealt with in the same manner as is hereinafter provided for the disposal of the said property.

Delivery of property to person entitled.

86. (1) The Commissioner or the Magistrate concerned, as the case may be, shall, on being satisfied of the title of any claimant to the possession or administration of the property specified in the proclamation issued under sub-section (1) of section 85, order the same to be delivered to him, after deduction or payment of the expenses properly incurred by the Police in the seizure and detention thereof.

Power to take security.

(2) The Commissioner or the Magistrate concerned, as the case may be, may, at his discretion, before making any order under sub-section (1), take such security as he may think proper from the person to whom the said property is to be delivered, and nothing hereinbefore contained shall affect the right of any person to recover the whole or any part of the same from the person to whom it may have been delivered pursuant to such order.

In default of claim, property to be at disposal of State Government.

87. If no person establishes his claim to such property within the period specified in the proclamation it shall be at the disposal of the State Government, and the property, or such part thereof as has not already been sold under sub-section (2) of section 85, may be sold by auction under the orders of the Commissioner, or the Magistrate concerned, as the case may be.

Procedure not affected by Indian Succession Act or Administrator General's Act or Regulation VIII of 1827.

88. Nothing in the Indian Succession Act, 1925, or in the Administrator General's Act, 1913, shall apply to intestate property which is dealt with by the Commissioner, under sub-section (*1*) of section 85, nor shall the provisions of section 10 of Regulation VIII of 1827 likewise be deemed to apply to intestate property which is dealt with by a Magistrate under sub-section (*1*) of section 85. XXXIX of 1925. III of 1913.

Police officer may take charge of stray cattle.

89. In any area outside Greater Bombay, a Police officer may take charge of any animal falling under the provisions of the Cattle Trespass Act, 1871, which may be found straying in a street, and may take or send the same to the nearest pound, and the owner and other persons concerned shall thereon become subject to the provisions of the said Act. I of 1871.

Power to establish cattle-pounds and appoint pound-keepers.

90. (*1*) In Greater Bombay, the Commissioner and in other areas to which the State Government may by notification in the *Official Gazette* extend the provisions of this section and sections, 91, 92, 93 and 94 of this Act, any officer appointed in that behalf by the State Government shall, from time to time, appoint such places as he thinks fit to be public pounds, and may appoint to be keepers of such pounds Police officers of such rank as may be approved by the State Government.

(*2*) Every pound-keeper so appointed shall, in the performance of his duties, be subject to the direction and control of the Commissioner, or such officer as aforesaid.

Impounding of cattle.

91. It shall be the duty of every Police officer, and it shall be lawful for any other person, to seize and take to any such public pound for confinement therein, any cattle found straying in any street or trespassing upon any private or public property in Greater Bombay or in such areas as aforesaid.

Delivery of cattle claimed.

92. If the owner of the cattle impounded under section 91 or his agent appears and claims the cattle, the pound-keeper shall deliver them to him on payment of the pound-fees and expenses chargeable in respect of such cattle under section 94.

Sale of cattle not claimed.

93. (*1*) If within ten days after an animal has been impounded no person appearing to be the owner of such animal offers to pay the pound-fee and expenses chargeable under section 94, such animal shall be forthwith sold by auction, and the surplus remaining after deducting the fee and expenses aforesaid from the proceeds of the sale shall be paid to any person who, within fifteen days after the sale, proves to the satisfaction of such officer as the Commissioner authorises in this behalf or any other officer appointed under section 90 that he was the owner of such animal, and shall, in any other case, form part of the consolidated fund of the State.

(*2*) No Police officer or pound-keeper shall, directly or indirectly, purchase any cattle at a sale under sub-section (*1*).

Rate to be fixed by notification.

94. (*1*) The pound-fee chargeable shall be such as the State Government may from time to time by notification in the *Official Gazette*, specify for each kind of animal for the whole State or for such area as may be specified in the notification.

(2) The expenses chargeable shall be at such rates for each day during any part of which an animal is impounded, as shall from time to time be fixed by the Commissioner or any officer appointed as aforesaid in respect of such animal.

Powers as to inspection, search and seizure of false weights and measures.

95. (1) Notwithstanding anything contained in section 153 of the Code of Criminal Procedure, 1898, any Police officer generally or specially deputed, in Greater Bombay, by the Commissioner and elsewhere, by the District Superintendent or any other officer specially empowered in that behalf by the State Government, may without warrant enter any shop or premises for the purpose of inspecting or searching for any weights or measures or instruments for weighing or measuring used or kept therein.

V of 1898.

(2) If he finds in such shop or premises weights, measures or instruments for weighing or measuring which he has reason to believe are false, he may seize the same and shall forthwith give information of such seizure to the Magistrate having jurisdiction, and if such weights, measures or instruments shall be found by the Magistrate to be false, they shall be destroyed.

(3) Weights and measures purporting to be of the same denomination as weights and measures, the standards whereof are kept under any law from time to time in force shall, if they do not correspond with the said standards, be deemed to be false within the meaning of this section.

Procedure to be followed by officers and Magistrates in certain cases.

96. (1) Notwithstanding anything contained in sections 129, 130, sub-section (2) of section 167, and section 173 of the Code of Criminal Procedure, 1898—

V of 1898.

(i) the powers and duties of a Magistrate under sections 129 and 130 of that Code may, in Greater Bombay, be exercised and performed by the Commissioner,

(ii) the Presidency Magistrate in Greater Bombay to whom an accused person is forwarded under sub-section (2) of section 167 of the Code, may, whether he has or has not jurisdiction to try the case, from time to time, authorise the detention of the accused in such custody as such Magistrate thinks fit for a term not exceeding fifteen days at a time,

(iii) the officer in charge of the Police station shall forward his report under section 173 of the Code to the Commissioner or such other officer as the Commissioner may direct in that behalf.

(2) Nothing contained in section 62 of the Code of Criminal Procedure, 1898, shall operate to require any officer in charge of a Police Station in Greater Bombay to submit any report provided for by that section to any Magistrate.

V of 1898.

(3) Sections 127 and 128 of the Code of Criminal Procedure, 1898, in their application to Greater Bombay shall be amended as follows:—

(a) in section 127, for the words "police station" the words "section or any police officer not below the rank of a sub-inspector authorised by the State Government in this behalf" shall be substituted;

(b) in section 128, for the words "police station whether within or without the presidency-towns" the words and figures "section or any police officer authorised under section 127" shall be substituted.

A superior Police Officer may himself perform duties imposed on his inferior, etc.

97. A Police officer of rank superior to that of constable may perform any duty assigned by law or by a lawful order to any officer subordinate to him ; and in case of any duty imposed on such subordinate, a superior where it shall appear to him necessary, may aid, supplement, supersede or prevent any action of such subordinate by his own action or that of any person lawfully acting under his command or authority, whenever the same shall appear necessary or expedient for giving more complete or convenient effect to the law or for avoiding an infringement thereof.

Emergency duties of Police.

98. (*1*) The State Government may, by notification in the *Official Gazette*, declare any specified service to be an essential service to the community :

Provided that such notification shall remain in force for one month in the first instance, but may be extended, from time to time, by a like notification.

(*2*) Upon a declaration being made under sub-section (*1*) and so long as it remains in force, it shall be the duty of every Police officer to obey any order given by any superior officer in relation to employment upon or in connection with the service specified in the declaration ; and every such order shall be deemed to be a lawful order within the meaning and for the purposes of this Act.

CHAPTER VII.

Offences and Punishments.

Disregarding the rule of the road.

99. No person shall—

(*a*) when driving a vehicle along a street and except in cases of actual necessity or of some sufficient reason, for deviation, fail to keep, on the left side of such street and when passing any other vehicle proceeding in the same direction fail to keep on the right side of such vehicle ; or

Leaving cattle, etc., insufficiently tended.

(*b*) leave in any street or public place insufficiently tended or secured any animal or vehicle.

Causing obstruction or mischief by animal.

100. No person shall cause obstruction, damage, injury, danger, alarm or mischief in any street or public place,—

(*i*) by any misbehaviour, negligence or ill-usage in the driving, management, treatment or care of any animal or vehicle ; or

(*ii*) by driving any vehicle or animal laden with timber, poles, or other unwieldy articles through a street or public place contrary to any regulation made in that behalf and published by a competent authority.

Exposing animal for hire or sale etc.

101. No person shall in any street or public place expose for hire or sale any animal or vehicle, clean any furniture or vehicle, or clean or groom any horse or other animal, except at such times and places as a competent authority permits, or shall train or break in any horse or other animal or make any vehicle or any part of a vehicle, or except when in the case of an accident repairing on the spot is unavoidable, repair any vehicle or part of a vehicle or carry on therein any manufacture or operation so as to be a serious impediment to traffic or a serious annoyance to residents or to the public.

Causing any obstruction in a street.

102. No person shall cause obstruction in any street or public place by allowing any animal or vehicle which has to be loaded or unloaded, or to take up or set down passengers, to remain or stand therein longer than may be necessary for such purpose, or by leaving any vehicle standing or fastening any cattle therein, or using any part of a street or public place as a halting place for vehicles or cattle, or by leaving any box, bale, package or other thing whatsoever in or upon a street for an unreasonable length of time or contrary to any regulation made and published by a competent authority by exposing anything for sale or setting out anything for sale in or upon any stall, booth, board, cask, basket or in any other way whatsoever.

Obstructing a footway.

103. No person shall drive, ride, lead, propel or leave on any footway any animal or vehicle other than a perambulator or fasten any animal so that the same can stand across or upon such footway.

Exhibiting mimetic, musical or other performances, etc.

104. No person shall exhibit, contrary to any regulation made and notified by the Commissioner or a District Magistrate, as the case may be, any mimetic, musical or other performances of a nature to attract crowds, or carry or place bulky advertisements, pictures, figures or emblems in any street or public place whereby an obstruction to passengers or annoyance to the inhabitants may be occasioned.

Doing offensive acts on or near street or public place.

105. No person shall slaughter any animal, clean a carcass or hide, or bathe or wash his person in or near to and within sight of a street or public place (except at a place set apart for the purpose by order of a competent authority) so as to cause annoyance to the neighbouring residents or to passers by.

Letting loose horse etc. and suffering ferocious dogs to be at large.

106. No person shall in any street or public place (A) negligently let loose any horse or other animal, so as to cause danger, injury, alarm or annoyance, or suffer a ferocious dog to be at large without a muzzle, or (B) set on or urge a dog or other animal to attack, worry or put in fear any person or horse or other animal.

Bathing or washing in places not set apart for those purposes.

107. No person shall bathe or wash in or by the side of a public well, tank, or reservoir not set apart for such purpose by order of a competent authority, or in or by the side of any pond, pool, aqueduct, part of a river, stream, nala or other source or means of water-supply in which such bathing or washing is forbidden by order of the competent authority.

Defiling water in public wells, etc.

108. No person shall defile or cause to be defiled, the water in any public well, tank, reservoir, pond, pool, aqueduct or part of a river, stream, nala or other source or means of water-supply, so as to render the same less fit for any purpose for which it is set apart by the order of the competent authority.

Obstructing bathers.

109. No person shall obstruct or incommode a person bathing at a place set apart for the purpose by the order of the competent authority under section 107 by wilful intrusion or by using such place for any purpose for which it is not so set apart.

Behaving indecently in public.

110. No person shall wilfully and indecently expose his person in any street or public place or within sight of, and in such manner as to be seen from, any street or public place, whether from within any house or building or not, or use indecent language or behave indecently or riotously or in a disorderly manner in a street or place of public resort or in any office, station or station house.

Obstructing or annoying passengers in the street.

111. No person shall wilfully push, press, hustle or obstruct any passenger in a street or public place or by violent movements, menacing gestures, wanton personal annoyance, screaming, shouting, wilfully frightening horses or cattle or otherwise disturb the public peace or order.

Misbehaviour with intent to provoke a breach of the peace.

112. No person shall use in any street or public place any threatening, abusive or insulting words or behaviour with intent to provoke a breach of the peace or whereby a breach of the peace may be occasioned.

Prohibition against flying kite.

113. No person shall fly a kite so as to cause danger, injury or alarm to persons, houses or property.

Begging and exposing offensive ailments.

114. No person shall beg importunately for alms or direct or permit children under his control to beg for alms, or expose or exhibit, with the object of exciting charity, any deformity or disease or any offensive sore or wound, in, or near to, and within sight of, any street.

Committing nuisance in or near street, etc.

115. No person shall in or near to any street, public place or place of public resort—

(*a*) commit a nuisance by easing himself, or

(*b*) having the care or custody of any child under seven years of age suffer such child to commit a nuisance as aforesaid.

Disregard of notice in public building.

116. No person shall, in any Court, Police Station, Police office, building occupied by Government or building occupied by any public body, smoke or spit in contravention of a notice by a competent authority in charge of such place and affixed to such Court, Station, office or building.

Penalties for offenders under sections 99 to 116.

117. Any person who contravenes any of the provisions of sections 99 to 116 (both inclusive) shall, on conviction, be punished with fine which may extend to fifty rupees.

Penalty for failure to keep in confinement cattle, etc.

118. (*1*) In any local area in which the State Government by notification in the *Official Gazette* brings this section into force, whoever through neglect or otherwise fails to keep in confinement or under restraint between one hour after sunset and sunrise any cattle which are his property or in his charge shall, on conviction, be punished with fine which may extend to one hundred rupees or on a second or any subsequent conviction, with fine which may extend to five hundred rupees or with imprisonment which may extend to six months or with both.

Explanation.—Cattle shall not be deemed to be kept in confinement within the meaning of this sub-section unless they are effectively confined within a fence, wall or other enclosure and shall not be deemed to be kept under restraint within the meaning of this sub-section unless they are restrained by means of a rope or other attachment.

(2) Any person may seize any cattle not being kept in confinement or under restraint as required by this section and may take or send the same to the nearest cattle-pound, and the owner and other persons concerned shall thereon become subject to the provisions of the Cattle Trespass Act, 1871. All officers of Police and all police patels and all members of the village police shall, when required, aid in preventing resistance to such seizures and rescues from persons making such seizures.

I of 1871.

(3) Any fine imposed under this section, may without prejudice to any other means of recovery provided by law, be recovered by sale of all or any of the cattle in respect of which the offence was committed, whether they are the property of the person convicted of the offence or were only in his charge when the offence was committed.

Punishment for cruelty to animals.

119. Whoever in any place outside Greater Bombay cruelly beats, goads, overworks, ill-treats or tortures or causes or procures to be cruelly beaten, goaded, over-worked, ill-treated or tortured any animal, shall, on conviction, be punished with imprisonment which may extend to one month or with fine which may extend to one hundred rupees, or with both.

Wilful trespass.

120. Whoever without satisfactory excuse wilfully enters or remains in or upon any dwelling house or premises or any land or ground attached thereto, or on any ground, building, monument or structure belonging to Government or appropriated to public purposes, or on any boat or vessel, shall, on conviction, whether he causes any actual damage or not, be punished with fine which may extend to twenty rupees.

False alarm of fire or damage to fire-alarm.

121. Whoever knowingly gives or causes to be given a false alarm of fire to the fire brigade of a municipality or corporation or to any officer or fireman thereof whether by means of a street fire-alarm, statement, message or otherwise, or, with intent to give such false alarm, wilfully breaks the glass of, or otherwise damages a street fire-alarm, shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one hundred rupees or with both.

Being found under suspicious circumstances between sunset and sunrise.

122. Whoever is found between sunset and sunrise—

(*a*) armed with any dangerous instrument with intent to commit an offence, or

(*b*) having his face covered, or otherwise disguised, with intent to commit an offence, or

(*c*) in any dwelling-house or other building, or on board any vessel or boat without being able satisfactorily to account for his presence there, or

(*d*) lying or loitering in any street, yard or other place, being a reputed thief and without being able to give a satisfactory account of himself, or

(*e*) having in his possession without lawful excuse (the burden of proving which excuse shall be on such person) any implement of house-breaking, shall, on conviction, be punished with imprisonment for a term which may extend to three months.

Carrying weapon without authority.

123. Whoever not being a member of the armed forces of the Union and acting as such or a Police officer, goes armed with any sword, spear, bludgeon, gun or other offensive weapon or with any explosive or corrosive substance in any street or public place unless so authorised by lawful authority, shall be liable to be disarmed by any Police officer, and the weapon or substance so seized shall be forfeited to the State Government, unless redeemed within two months by payment of such fine not exceeding five hundred rupees as the Commissioner or the District Magistrate in areas under their respective charges imposes.

Possession of property of which no satisfactory account can be given.

124. Whoever has in his possession or conveys in any manner, or offers for sale or pawn, anything which there is reason to believe is stolen property or property fraudulently obtained, shall, if he fails to account for such possession or to act to the satisfaction of the Magistrate, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one hundred rupees or with both.

Taking spirits into public hospital

125. Whoever—

(*a*) takes or introduces, or attempts to take or introduce, any spirits or spirituous or fermented liquors or intoxicating drugs or preparations into any public hospital without the permission of a medical officer of such hospital, or

or into barracks or on boards of vessels of war.

(*b*) not being amenable to the Articles of War takes or introduces, or attempts to take or introduce, any such spirits, liquors, drugs or preparations not belonging to any person above the rank of a non-commissioned officer,

(*i*) into the barracks or buildings occupied by the troops composing the Garrison of Bombay or into any military barracks, guard-rooms or encampments, or

(*ii*) on board or alongside of any vessel of war belonging to Government,

shall, on conviction, be punished with imprisonment for a term which may extend to two months, or with fine which may extend to one hundred rupees, or with both and such spirits, liquor, drugs or preparations and the vessels containing the same, shall be forfeited to the State Government.

Omission by pawn-brokers etc. to report to Police possession or tender of property suspected to be stolen.

126. Whoever, being a pawn-broker, dealer in second-hand property, or worker in metals, or reasonably believed by the Commissioner, or District Superintendent in the areas under their respective charges to be such a person, and having received from a Police officer written or printed information that the possession of any property suspected to have been transferred by any offence mentioned in section 410 of the Indian Penal Code, or by any offence punishable under section 417, 418, 419 or 420 of the said Code, is found in possession or thereafter comes into the possession, or has an offer either by way of sale, pawn, exchange, or for custody, alteration or otherwise howsoever, made to him, of property answering the description contained in such information, shall, unless— XLV of 1860.

(*i*) he forthwith gives information to the Commissioner, or the District Superintendent, as the case may be, or at a Police station of such possession or offer and takes all reasonable means to ascertain and to give information as aforesaid of the name and address of the person from whom the possession or offer was received, or

(*ii*) the property being, as an article of common wearing apparel or otherwise, incapable of identification from the written or printed information given, has been in no way concealed after the receipt of such information,

on conviction, be punished with fine which may extend to fifty rupees in respect of each such article of property so in his possession or offered to him.

Melting, etc., of such property.

127. Whoever, having received such information as is referred to in section 126, alters, melts, defaces or puts away or causes or suffers to be altered, melted, defaced or put away without the previous permission of the Police any such property, shall, on proof that the same was stolen property within the meaning of section 410 of the Indian Penal Code, or property in respect of which any offence punishable under section 417, 418, 419 or 420 of the said Code has been committed, be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

XLV of 1860.

Taking pledge from child.

128. Whoever takes from any child not appearing to be above the age of fourteen years any article whatsoever as a pawn, pledge or security for any sum of money lent, advanced or delivered to such child, or without the knowledge and consent of the owner of the article buys from such child any article whatsoever, shall, on conviction, be punished with fine which may extend to one hundred rupees.

Permission of disorderly conduct at places of public amusement, etc.

129. Whoever, being the keeper of any place of public amusement or entertainment, knowingly permits drunkenness or other disorderly behaviour or any gaming whatsoever, in such place, shall, on conviction, be punished with a fine which may extend to one hundred rupees.

Cheating at games.

130. Whoever, by any fraud or unlawful device or malpractice in playing at or with cards, dice or other game, or in taking a part in the stakes or wagers, or in betting on the sides or hands of the players, or in wagering on the event of any game, sport, pastime or exercise, wins from any other person, for himself or any other or others, any sum of money or valuable thing, shall be deemed guilty of cheating within the meaning of section 415 of the Indian Penal Code, and be liable to punishment accordingly.

XLV of 1860.

Penalty for contravening rules, etc., under section 33.

131. (*a*) Whoever contravenes any rule or order made under section 33 or contravenes any of the conditions of a licence issued under any such rule or order, or,

(*b*) abets the commission of any offence under clause (*a*), shall, on conviction, be punished—

(*i*) if the rule or order under which the said licence was issued was made under clause (*d*), (*g*), (*h*), (*i*), sub-clauses (*i*) and (*ii*) of clause (*r*) or clause (*u*) of sub-section (*1*) of section 33, with imprisonment for a term which may extend to eight days or with fine which may extend to fifty rupees or with both ;

(*ii*) if the rule or order contravened was made under clause (*x*) of sub-section (*1*) of section 33, with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both ;

(*iii*) if the rule or order contravened or the rule or order under which the said licence was issued was made under clauses (*n*) and (*o*) of sub-section (*1*) of section 33 with fine which may extend to two hundred rupees;

(*iv*) if the rule or order contravened was made under clause (*b*) of sub-section (*1*) of section 33 and prohibits the sale or exposure for sale of any goods on any street or portion thereof so as to cause obstruction to traffic or incovenience to the public—

(*a*) for the first offence, with imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees or with both, and

(*b*) for a subsequent offence, with imprisonment for a term which may extend to six months and with fine which may extend to five hundred rupees; and

(*v*) if the rule or order contravened or the rule or order under which the said licence was issued was made under any other clause, with fine which may extend to fifty rupees.

Penalty for disobedience to order under section 31.

132. Whoever contravenes, disobeys, opposes, or fails to conform to an order under section 31 requiring him to vacate any premises, shall, on conviction, be punished with imprisonment which may extend to three months or with fine which may extend to five hundred rupees or with both.

Penalty for contravening rules, etc., under section 35.

133. Whoever contravenes any rule made under section 35 shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to two hundred rupees or with both.

Penalty for contravention of rule etc., under section 36.

134. Whoever contravenes, disobeys, opposes or fails to conform to any order given by a Police officer under section 36 shall, on conviction, be punished with fine which may extend to two hundred rupees.

Penalty for contravention of rules or directions under section 37, 39 or 40.

135. Whoever disobeys an order lawfully made under section 37, 39 or 40 or abets the disobedience thereof shall, on conviction, be punished—

(*i*) if the order disobeyed or of which the disobedience was abetted was made under sub-section (*1*) of section 37 or under section 39, or section 40, with imprisonment for a term which may extend to one year but shall not except for reasons to be recorded in writing, be less than four months and shall also be liable to fine, and

(*ii*) if the said order was made under sub-section (*2*) of section 37, with imprisonment for a term which may extent to one month or with fine which may extend to one hundred rupees, and

(*iii*) if the said order was made under sub-section (*3*) of section 37, with fine which may extend to one hundred rupees.

Penalty for contravening rules, etc., made under section 38.

136. Whoever disobeys any direction lawfully made under section 38 or abets the disobedience thereof shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

137. Whoever opposes or fails to conform to any direction given by the Police under section 41 shall, on conviction, be punished with fine which may extend to two hundred rupees. Penalty for contravening rules, etc., made under section 41.

138. Whoever fails to comply with an order made under section 42 shall, on conviction, be punished with fine which may extend to twenty-five rupees for every day that such order continues to be disobeyed by him. Penalty for failure to comply with order under section 42.

139. Whoever contravenes or abets the contravention of any regulation made under section 43 shall, on conviction, be punished with imprisonment which may extend to three months or with fine which may extend to two hundred rupees, or with both. Penalty for contravention of a regulation made under section 43.

140. Whoever opposes or fails to conform to any direction given by the Police under section 68 or abets the opposition or failure to do so shall, on conviction, be punished with fine which may extend to fifty rupees. Penalty for contravening directions under section 68.

141. Whoever opposes or disobeys or fails to conform to any direction issued under section 55, 56 or 57 or abets opposition to or disobedience of any such direction shall, on conviction, be punished with imprisonment which may extend to one year but shall not, except for reasons to be recorded in writing, be less than four months, and shall also be liable to fine. Penalty for contravention of directions under section 55, 56 or 57.

142. Notwithstanding anything contained in section 62 any person who, in contravention of a direction issued to him under section 55, 56 or 57 enters the area from which he was directed to remove himself shall, on conviction, be punished with imprisonment or a term which may extend to two years, but shall not, except for reasons to be recorded in writing, be less than six months, and shall also be liable to fine. Penalty for entering area from which person has been directed to remove himself.

143. Whoever fails without sufficient cause to surrender in accordance with sub-section (*3*) of section 63 shall, on conviction, be punished with imprisonment which may extend to two years and shall also be liable to fine. Penalty for failure to surrender in accordance with sub-section (*3*) of section 63.

144. Any person who having been appointed a Special Police officer under section 21 shall, without sufficient cause, neglect or refuse to serve as such or to obey any lawful order or direction that may be given to him for the performance of his duties, shall, on conviction, be punished with fine which may extend to fifty rupees. Neglect or refusal to serve as Special Police officer.

145. (*1*) Any person who makes a false statement or uses a false document for the purpose of obtaining employment or release from employment as a Police officer, or Penalty for making false statement, etc., and for misconduct of Police officers.

(*2*) any Police officer who (*a*) is guilty of cowardice, or (*b*) resigns his office or withdraws himself from duties thereof in contravention of section 29, or (*c*) is guilty of any wilful breach or neglect of any provision of law or of any rule or order which as such Police officer, it is his duty to observe or obey, or (*d*) is guilty of any violation of duty for which no punishment is expressly provided by any other law in force,

shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

Consequence of failure to return to duty after leave.

(3) A Police officer who being absent on leave fails, without reasonable cause, to report himself for duty on the expiration of such leave shall, for the purpose of clause (b) of sub-section (2), be deemed to withdraw himself from the duties of his office within the meaning of section 29.

Penalty for failure to deliver up certificate of appointment or of office or other article.

146. Any Police officer, who wilfully neglects or refuses to deliver up his certificate of appointment or of office or any other article, in accordance with the provision of sub-section (1) of section 30, shall, on conviction, be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

Vexatious entry, search, arrest, etc., by Police officer.

147. Any Police officer who—

(a) without lawful authority or reasonable cause enters or searches, or causes to be entered or searched, any building, vessel, tent or place ;

(b) vexatiously and unnecessarily seizes the property of any person ;

(c) vexatiously and unnecessarily detains, searches or arrests any person ;

(d) offers any unnecessary personal violence to any person in his custody, or

(e) holds out any threat or promise not warranted by law,

shall for every such offence, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, or with both.

Penalty for vexatious delay in forwarding a person arrested.

148. Any Police officer who vexatiously and unnecessarily delays forwarding any person arrested to a Magistrate or to any other authority to whom he is legally bound to forward such person, shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, or with both.

Penalty for opposing or not complying with direction given under section 70.

149. Whoever opposes or fails forthwith to comply with any reasonable direction given by a Magistrate or a Police officer under section 70 or abets opposition thereto or failure to comply therewith, shall, *on conviction*, be punished with imprisonment for a term which may extend to one year but shall not except for reasons to be recorded in writing be less than four months and shall also be liable to fine.

Jurisdiction when offender is a Police officer above the rank of constable.

150. Offences against this Act, when the accused person or any one of the accused persons is a Police officer above the rank of a constable, shall not be cognizable except by a Presidency Magistrate or a Magistrate not lower than a second class Magistrate.

Prosecution for certain offences against the Act to be in the discretion of the Police.

151. It will not, except in obedience to a rule or order made by the State Government or by the competent authority, be incumbent on the Police to prosecute for an offence punishable under section 117, 119, 131, 134, 137, 139, 140 or 144 when such offence has not occasioned serious mischief and has been promptly desisted from on warning given.

152. Nothing in this Act shall be construed to prevent any person from being prosecuted and punished under any other enactment for any offence made punishable by this Act or from being prosecuted and punished under this Act for an offence punishable under any other enactment : Prosecution for Offences under other inactment not affected.

V of 1898. Provided that all such cases shall be subject to the provisions of section 403 of the Code of Criminal Procedure, *1898*.

Chapter VIII.

Miscellaneous.

153. All fees paid for licences or written permissions issued under this Act, and all sums paid for the service of processes by Police officers, and all rewards, forfeitures and penalties or shares thereof which are by law payable to Police officers as informers, shall, save in so far as any such fees or sums belong under the provisions of any enactment in force to any local authority, be credited to the State Government : Disposal of fees, rewards, etc.

Provided that with the sanction of the State Government, or under any rule made by the State Government in that behalf, the whole or any portion of any such reward, forfeiture or penalty may, for special services, be paid to a Police officer, or be divided amongst two or more Police officers.

154. No municipal or other local rates shall be payable by the State Government on account of the occupation or use of any house or place in any area other than Greater Bombay by members of the Police Force for the convenient performance of their duties. No municipal or other rates to be payable by State Government on Police-buildings.

155. Any order or notification published or issued by the State Government or by a Magistrate or officer under any provision of this Act, and the due publication or issue thereof, may be proved by the production of a copy thereof in the *Official Gazette*, or of a copy thereof signed by such Magistrate or officer, and by him certified to be a true copy of an original published or issued according to the provisions of the section of this Act applicable thereto. Method of proving orders and notifications.

156. No rule, order, direction, adjudication, inquiry or notification made or published, and no act done under any provision of this Act or of any rule made under this Act, or in substantial conformity to the same, shall be deemed illegal, void, invalid or insufficient by reason of any defect of form or any irregularity of procedure. Rules and orders not invalidated by defect of form or irregularity in procedure.

157. Notwithstanding anything contained in any law for the time being in force, in a prosecution for an offence for the contravention of a direction issued under section 55, 56 or 57 on the production of an authentic copy of the order, it shall, until the contrary is proved and the burden of proving which shall lie on the accused, be presumed— Presumption in prosecutions for contravention of directions issued under section 55, 56, or 57.

(*a*) that the order was made by the authority competent under this Act to make it ;

(*b*) that the authority making the order was satisfied that the grounds on or the purpose for which it was made existed, and that it was necessary to make the same; and

(*c*) that the order was otherwise valid and in conformity with the provisions of this Act.

Forfeiture of bond entered into by person permitted to enter or return to the area from which he was directed to remove himself.

158. If any person permitted under sub-section (*1*) of section 63 fails to observe any condition imposed under the said sub-section or in the bond entered into by him under sub-section (*2*) of the said section his bond shall be forfeited and any person bound thereby shall pay the penalty thereof or show cause to the satisfaction of the Court why such penalty should not be paid.

No Magistrate or Police officer to be liable to penalty or damage for act done in good faith in pursuance of duty.

159. No Magistrate or Police officer shall be liable to any penalty or to payment of damages on account of an act done in good faith, in pursuance or intended pursuance of any duty imposed or any authority conferred on him by any provision of this Act or any other law for the time being in force or any rule, order or direction made or given therein.

No public servant liable as aforesaid for giving effect in good faith to any rule, order or direction issued with apparent authority.

160. No public servant or person duly appointed or authorised shall be liable to any penalty or to payment of any damages for giving effect in good faith to any such order or direction issued with apparent authority by the State Government or by a person empowered in that behalf under this Act or any rule, order or direction made or given thereunder.

Suits or prosecutions in respect of acts done under colour of duty as aforesaid not to be entertained, or to be dismissed, if not instituted within six months.

161. (*1*) In any case of alleged offence by the Commissioner, a Magistrate, Police officer or other person, or of a wrong alleged to have been done by such Commissioner, Magistrate, Police officer or other person, by any act done under colour or in excess of any such duty or authority as aforesaid, or wherein it shall appear to the Court that the offence or wrong if committed or done was of the character aforesaid, the prosecution or suit shall not be entertained, or shall be dismissed, if instituted, more than six months after the date of the act complained of.

In suits as aforesaid one month's notice of suit to be given with sufficient description of wrong complained of.

(*2*) In the case of an intended suit on account of such a wrong as aforesaid, the person intending to sue shall be bound to give to the alleged wrong-doer one month's notice at least of the intended suit with a sufficient description of the wrong complained of, failing which such suit shall be dismissed.

(3) The plaint shall set forth that a notice as aforesaid has been served on the defendant and the date of such service, and shall state whether any, and if any, what tender of amends has been made by the defendant. A copy of the said notice shall be annexed to the plaint endorsed or accompanied with a declaration by the plaintiff of the time and manner of service thereof. Plaint to set forth service of notice and tender of amends.

162. (1) Any licence or written permission granted under the provisions of this Act shall specify the period and locality for which, and the conditions and restrictions subject to which, the same is granted, and shall be given under the signature of the competent authority and such fee shall be charged therefor as is prescribed by any rule under this Act in that behalf. Licences and written permissions to specify conditions, etc., and to be signed.

(2) Any licence or written permission granted under this Act may at any time be suspended or revoked by the competent authority, if any of its conditions or restrictions is infringed or evaded by the person to whom it has been granted, or if such person is convicted of any offence in any matter to which such licence or permission relates. Revocation of licences, etc.

(3) When any such licence or written permission is suspended or revoked, or when the period for which the same was granted has expired, the person to whom the same was granted shall, for all purposes of this Act, be deemed to be without a licence or written permission, until the order for suspending or revoking the same is cancelled, or until the same is renewed, as the case may be. When licence revoked, etc. grantee to be deemed without licence.

(4) Every person to whom any such licence or written permission has been granted, shall, while the same remains in force, at all reasonable time, produce the same, if so required by a Police officer. Grantee to produce licence, etc., when required.

Explanation.—For the purpose of this section any such infringement or evasion by, or conviction of, a servant or other agent acting on behalf of the person to whom the licence or written permission has been granted shall be deemed to be infringement or evasion by, or as the case may be, conviction of, the person to whom such licence or written permission has been granted.

163. Any public notice required to be given under any of the provisions of this Act shall be in writing under the signature of a competent authority and shall be published in the locality to be affected thereby, by affixing copies thereof in conspicuous public places, or by proclaiming the same with beat of drums, or by advertising the same in such local newspapers,—English or regional language or Hindi,—as the said authority may deem fit, or by any two or more of these means and by any other means it may think suitable. Public notices how to be given.

164. Whenever under this Act, the doing or the omitting to do anything or the validity of anything depends upon the consent, approval, declaration, opinion or satisfaction of a competent authority, a written document signed by a competent authority purporting to convey or set forth such consent, approval, declaration, opinion or satisfaction shall be sufficient evidence thereof. Consent, etc., of a competent authority may be proved by writing under his signature.

165. Every licence, written permission, notice or other document, not being a summons or warrant or search warrant, required by this Act, or by any rule thereunder, to bear the signature of the Commissioner, shall be deemed to be properly signed if it bears a facsimile of his signature stamped thereon. Signature on notices, etc., may be stamped.

166. (1) In the case of any rule or order made by the State Government under an authority conferred by this Act and requiring the public or a particular class of persons to perform some duty or act, or to conduct or order themselves or those under their control in a manner therein described, it shall be competent to any person interested to apply to the State Government by a memorial given to a Secretary to the State Government to annul, reverse or alter the rule or order aforesaid on the ground of its being unlawful, oppressive or unreasonable. Persons interested may apply to State Government to annul, reverse or alter any rule or order.

When a suit shall lie to the District Court to declare a rule or order unlawful.

(2) After such an application as aforesaid and the rejection thereof wholly or in part or after the lapse of four months without an answer to such application or a decision thereon published by the State Government, it shall be competent to the person interested and deeming the rule or order contrary to law to institute a suit against the State for a declaration that the rule or order is unlawful either wholly or in part. The decision in such suit shall be subject to appeal; and a rule or order finally adjudged to be unlawful shall by the State Government be annulled or reversed or so altered as to make it conformable to law.

Repeal and saving.

167. (1) The enactments specified in Schedule I are hereby repealed:

Provided that—

(i) All rules prescribed, appointments made, powers conferred, orders made or passed, directions and certificates issued, consent, permit, permission or licences given, summons or warrants issued or served, persons arrested or detained or discharged on bail or bond, search warrants issued, bond forfeited, penalty incurred under any such enactment shall, so far as they are consistent with this Act, be deemed to have been respectively prescribed, made, conferred, given, passed, served, arrested, detained, discharged, forfeited and incurred thereunder.

(ii) All references made in any Bombay Act to any of the Acts hereby repealed shall be read as if made to the corresponding provision of this Act.

(2) Nothing in sub-section (1) shall be deemed to affect—

(a) the validity, invalidity, effect or consequence of anything done or suffered to be done in an area before the date on which the provisions of this Act come into force in such area;

(b) any right, privilege, obligation or liability already acquired, accrued or incurred before such date;

(c) any penalty, forfeiture or punishment incurred or inflicted in respect of any act before such date;

(d) any investigation, legal proceeding or remedy in respect of such right, privilege, obligation, liability, penalty, forfeiture or punishment;

(e) any legal proceeding pending in any Court or before any officer on the aforesaid date or anything done or suffered to be done in the course of such proceedings; and any such proceeding or any appeal or revisional proceedings arising out of such proceeding shall be instituted, continued or disposed of, as the case may be, as if this Act had not come into force.

(3) The enactment specified in Schedule III in its application to the State of Bombay, is hereby amended to the extent and in the manner mentioned in the fourth column thereof.

Saving of Bombay Village Police Act and enactment relating to reserve Police.

168. Nothing in this Act shall affect the provisions of the Bombay Village Police Act, 1867, or any enactment which may be made in regard to the reserve Police. Bom. VIII of 1867.

SCHEDULE I.

[*See* Sections 3 and 5 and sub-section (1) of section 167.]

Year.	No.	Short title.
1	2	3
1890	IV	The Bombay District Police Act, 1890.
1902	IV	The City of Bombay Police Act, 1902.
1949	XVI	The Police Forces (Control and Direction) Act, 1949.

SCHEDULE II.

(*See* section 14.)

CERTIFICATE

OF

APPOINTMENT IN THE POLICE FORCE.

No. .....

STATE OF BOMBAY.

Certificate of Appointment issued under Bombay Police Act of 19 .....
.....
Act of 1861.

(Photograph to be affixed in the case of Inspectors and Sub-Inspectors.)

Mr.....
has been appointed as ..... and is invested with the powers, functions and privileges of a Police officer under the *Bombay Police Act of 19*
Act V of 1861

Greater Bombay
In the Bombay District Police
Railway Police.

On the ..... day of ..... 19 .

Signature.....

Designation.....

SCHEDULE III.

[*See* sub-section (*3*) of section 167.]

Year.	No.	Short title.	Amendment.
1	2	3	4
1898	V	Code of Criminal Procedure.	In clause (*a*) of sub-section (*2*) of section 1 of the Act— (*i*) for the words "towns of Calcutta, Madras and Bombay", the words "towns of Calcutta and Madras" shall be substituted; (*ii*) for the words "towns of Calcutta and Bombay" the words "town of Calcutta" shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

The Bombay District Police and the Greater Bombay Police Forces are at present governed by two independent Acts, viz. the Bombay District Police Act, 1890, and the City of Bombay Police Act, 1902. The Inspector-General of Police, State of Bombay, was formerly the Head of the Bombay District Police Force while the Commissioner of Police, Bombay, was the Head of the Greater Bombay Police Force.

In the interest of closer co-ordination of the two Forces, efficient administration and discipline, it was found desirable to have one single Police Force with one single Head for the whole of the Police Force in the State of Bombay and to have only one Act for its administration. As a first step to amalgamate the two Forces and to make the Inspector-General of Police the single Head of the two Forces, the Police Forces (Control and Direction) Act, 1949, was enacted.

The object of the present Bill is to amalgamate the two Police Acts into one Act and the two Police Forces into a single homogenous Force.

While drafting the Bill most of the provisions of the Bombay District Police Act, 1890, and the City of Bombay Police Act, 1902, have been combined together so as to evolve out of them new provisions which will apply uniformly to the whole of the State. In the matter of penalties, efforts have been made to arrive at a reasonable compromise between the punishments provided under the two Acts where these were different and where it was not possible, the higher of the two penalties has been provided leaving it to the trying Court, to award a reasonable punishment.

This Bill provides that the Commissioner of Police will continue to be the executive officer responsible for law and order in Greater Bombay. He will exercise such powers and perform such functions and duties as are provided in the Bill or are otherwise directed to be performed by him by the State Government by a general or special order. First proviso to sub-clause (c) to clause 7 of the Bill authorises the State Government to direct that any of the powers, functions or duties performed by the Commissioner of Police should be exercised and performed by him subject to the control of the Inspector-General of Police.

Consequent changes due to the decision of Government to abolish the posts of the Divisional Commissioners have also been made in the Bill. Opportunity has also been taken to insert a few new clauses in the Bill, which are desirable from the administrative point of view.

Dated the 19th September 1950. MORARJI DESAI.

Mo-II Bk Hb 530—7

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. XLIII OF 1950.]

(As read for the third time and passed by the Legislative Assembly on the 27th February 1951.)

A Bill to consolidate and amend the law for the regulation of the Police Force in the State of Bombay.

[Shri MORARJI DESAI, M.L.A.]

MO-II Bk Hb 530—8

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

L. A. BILL No. XLIII OF 1950.

A Bill to consolidate and amend the law for the regulation of the Police Force in the State of Bombay.

(As read for the third time and passed by the Legislative Assembly on the 27th February 1951.)

(As read for the third time and passed by the Legislative Council on the 5th March 1951.)

WHEREAS it is expedient to amalgamate the District and Greater Bombay Police Forces in the State of Bombay into one common Police Force and to introduce uniform methods regarding the working and control of the said Force throughout the State; And whereas it is necessary to consolidate and amend the law relating to the regulation of the said Force and the exercise of powers and performance of functions by the State Government and by the members of the said Force for the maintenance of public order; And whereas it is necessary to provide for certain other purposes hereinafter appearing; It is hereby enacted as follows:—

CHAPTER I.

Preliminary.

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Police Act, 1951.

(*2*) It extends to the whole of the State of Bombay.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, specify in this behalf.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "cattle" includes elephants, camels, horses, asses, mules, sheep, goats and swine;

(*2*) "Corporation" means a Corporation constituted under the Bombay Municipal Corporation Act or the Bombay Provincial Municipal Corporation Act, 1949;

Bom. LIX of 1949.

(*3*) the expression "competent authority" when used with reference to the exercise or performance of any power, duty or function under the provisions of this Act, means—

(*a*) in relation to Greater Bombay, and other areas for which a Commissioner of Police is appointed under section 7, the Commissioner,

(*b*) in relation to the areas other than those referred to in clause (*a*), the District Magistrate or the District Superintendent or the Additional Superintendent when specially empowered in that behalf by the State Government;

(*4*) "constable" means a police officer of the lowest grade;

V of 1898.

(*5*) "district" means a territorial division constituting a district for the purposes of the Code of Criminal Procedure, 1898, but does not include Greater Bombay;

(6) "Inspector-General", "Additional Inspector-General", "Commissioner", "Deputy Inspector-General", "Deputy Commissioner", "Assistant Commissioner", "District Superintendent", "Additional Superintendent", "Assistant Superintendent", and "Deputy Superintendent" mean respectively the Inspector-General of Police, the Additional Inspector-General of Police, a Commissioner of Police including an Additional Commissioner of Police, a Deputy Inspector-General of Police, a Deputy Commissioner of Police, an Assistant Commissioner of Police, a District Superintendent of Police, an Additional Superintendent of Police, an Assistant Superintendent of Police, and a Deputy Superintendent of Police appointed or deemed to be appointed under this Act;

(7) "municipality" means a municipality constituted or deemed to be constituted under the Bombay Municipal Boroughs Act, 1925, or the Bombay District Municipal Act, 1901; Bom. XVIII of 1925. Bom. III of 1901.

(8) "place" includes a building, a tent, a booth or other erection, whether permanent or temporary, or any area whether enclosed or open;

(9) "place of public amusement" means any place where music, singing, dancing, or any diversion or game, or the means of carrying on the same, is provided and to which the public are admitted either on payment of money or with the intention that money may be collected from those admitted and includes a race course, circus, theatre, music hall, billiard room, bagatelle room, gymnasium, fencing school, swimming pool or dancing hall;

(10) "place of public entertainment" means any place to which the public are admitted, and where any kind of food or drink is supplied for consumption on the premises by any person owning or having an interest in or managing such place and includes a refreshment room, eating-house, coffee house, liquor-house, boarding house, lodging house, hotel, tavern or wine, beer, spirit, arrack, toddy, ganja, bhang or opium shop;

(11) "Police officer" means any member of the Police Force appointed or deemed to be appointed under this Act and includes a special or an additional Police officer appointed under section 21 or 22;

(12) "prescribed" means prescribed by rules;

(13) "public place" includes the foreshore, the precincts of every public building or monument, and all places accessible to the public for drawing water, washing or bathing or for the purpose of recreation;

(14) "rules" means rules made under this Act;

(15) "street" includes any highway, bridge, way over a causeway, viaduct, arch, quay, or wharf or any road, lane, footway, square, court, alley or passage accessible to the public, whether a thoroughfare or not;

(16) "subordinate ranks" means members of the Police Force below the rank of the Inspector;

(17) "vehicle" means any carriage, cart, van, dray, truck, hand cart or other conveyance of any description and includes a bicycle, a tricycle, a rickshaw, an automatic car, a vessel or an aeroplane.

CHAPTER II.

Superintendence, control and organisation of the Police Force.

3. There shall be one Police Force for the whole of the State : One Police Force for the whole State.

Provided that the members of the Police Forces constituted under any of the Acts mentioned in Schedule I, immediately before the coming into force of this Act, shall be deemed to be the members of the said Police Force.

4. The superintendence of the Police Force throughout the State vests in and is exercisable by the State Government and any control, direction or supervision exercisable by any officer over any member of the Police Force shall be exercisable subject to such superintendence. Superintendence of Police Force to vest in the State Government.

5. Subject to the provisions of this Act— Constitution of Police Force.

(*a*) the Police Force shall consist of such number in the several ranks and have such organization and such powers, functions and duties as the State Government may by general or special order determine;

(*b*) the recruitment, pay, allowances and all other conditions of service of the Police Force shall be such as may from time to time be determined by the State Government by general or special order :

Provided that—

(*i*) the rules or orders governing the recruitment, pay, allowances and other conditions of service of the members of the Police Force constituted under any of the Acts mentioned in Schedule I and deemed to be the members of the Police Force under section 3 shall continue in force until altered or cancelled under clause (*b*),

(*ii*) nothing in this clause shall apply to the recruitment, pay, allowances and other conditions of service of the members of the Indian Police and Indian Police Service.

6. (*1*) For the direction and supervision of the Police Force, the State Government shall appoint an Inspector-General of Police who shall exercise such powers and perform such functions and duties and shall have such responsibilities and such authority as may be provided by or under this Act or orders made by the State Government. Inspector-General, Additional and Deputy Inspector-General.

(*2*) (*a*) The State Government may appoint an Additional Inspector-General and one or more Deputy Inspectors-General of Police.

(*b*) The State Government may direct that any of the powers, functions, duties and responsibilities and the authority of the Inspector-General may be exercised, performed or discharged, as the case may be, by the Additional Inspector-General or a Deputy Inspector-General.

(*c*) The State Government may also by a general or special order direct that the Additional Inspector-General or Deputy Inspector-General shall assist and aid the Inspector-General in the performance, exercise and discharge of his powers, functions, duties, responsibilities and authority in such manner and to such extent as may be specified in the order.

Commissioner.

7. (*a*) The State Government may appoint a Police officer to be the Commissioner of Police for Greater Bombay or any other area specified in a notification issued by the State Government in this behalf and published in the *Official Gazette*.

(*b*) The State Government may also appoint an Additional Commissioner of Police for the areas specified in clause (*a*).

(*c*) The Commissioner shall exercise such powers, perform such functions and duties and shall have such responsibilities and authority as are provided by or under this Act or as may otherwise be directed by the State Government by a general or special order :

Provided that the State Government may direct that any of the powers, functions, duties, responsibilities or authority exercisable or to be performed or discharged by the Commissioner shall be exercised, performed or discharged subject to the control of the Inspector-General :

Provided further that the area for which a Commissioner has been appointed under this section shall not, unless otherwise provided by or under this Act, be under the charge of the District Magistrate or the District Superintendent for any of the purposes of this Act, notwithstanding the fact that such area forms part of a district within the territorial jurisdiction for which a District Magistrate or a District Superintendent may have been appointed.

Appointment of District, Additional, Assistant and Deputy Superintendents.

8. (*1*) The State Government may appoint for each District or for a part of a District or for one or more Districts a Superintendent and one or more Additional, Assistant and Deputy Superintendents of Police, as it may think expedient.

(*2*) The State Government may, by a general or special order, empower an Additional Superintendent to exercise and perform in the district for which he is appointed or in any part thereof, all or any of the powers, functions or duties to be exercised or performed by a District Superintendent under this Act or under any law for the time being in force.

(*3*) The District Superintendent may, with the previous permission of the State Government, delegate any of the powers and functions conferred on him by or under this Act to an Assistant or Deputy Superintendent.

Principal, Central Police Training School, Nasik.

9. The State Government may appoint any Police Officer not below the rank of a District Superintendent to be the Principal of the Central Police Training School, Nasik, and may assign to him such powers, functions and duties, as it may think fit.

Deputies and Assistants to Commissioner.

10. (*1*) The State Government may appoint one or more Deputy Commissioners and one or more Assistant Commissioners of Police in Greater Bombay or in any area in which a Commissioner has been appointed under clause (*a*) of section 7.

(*2*) Every such Deputy or Assistant Commissioner shall, under the orders of the Commissioner, exercise and perform any of the powers, functions and duties of the Commissioner to be exercised or performed by him under the provisions of this Act or any other law for the time being in force, in accordance with the general or special orders of the State Government made in this behalf :

Provided that the powers to be exercised by the Commissioner under section 13 or 33 shall not be exercisable by a Deputy or Assistant Commissioner.

Superintendent in Greater Bombay.

11. (*1*) The State Government may appoint for Greater Bombay such number of Superintendents of Police as it may think expedient.

(*2*) A Superintendent appointed under sub-section (*1*) shall exercise such powers and perform such duties and functions as can be exercised or performed under the provisions of this Act or any other law for the time being in force or as are assigned to him by the Commissioner under the general or special orders of the State Government :

Provided that the powers to be exercised by the Commissioner under section 13 or 33 shall not be exercisable by the Superintendent.

Constitution of divisions and sections.

12. (*1*) Subject to the control of the State Government, the Commissioner for Greater Bombay shall, if he thinks fit,—

(*a*) constitute within the Greater Bombay, Police divisions,

(*b*) sub-divide the same into sections, and

(*c*) define the limits and extent of such divisions and sections.

Officers in charge of divisions and sections.

(*2*) Each such division shall be in charge of a Superintendent of Police and each section shall be in charge of an Inspector of Police.

Inspector-General and Commissioner to exercise the powers of First Class Magistrate and Presidency Magistrate.

13. Subject to the conditions and limitations as may be imposed by the State Government, the powers under sections 94, 96, 97, 98, 105, 523, 524 and 526 of the Code of Criminal Procedure, 1898, may be exercised— V of 1898.

(*1*) in districts, by the Inspector General as a First Class Magistrate;

(*2*) in Greater Bombay, by the Commissioner for Greater Bombay as a Presidency Magistrate ; and

(*3*) in areas under their respective charges, by other Commissioners as First Class Magistrates.

Certificate of appointment.

14. (*1*) Every Police officer of and below the grade of Inspector, shall on appointment receive a certificate in form provided in Schedule II. The certificate shall be issued under the seal of such officer as the State Government may by general or special order direct.

(*2*) A certificate of appointment shall become null and void whenever the person named therein ceases to belong to the Police Force or shall remain inoperative during the period within which such person is suspended from such Force.

Effect of suspension of Police officer.

15. The powers, functions and privileges vested in a Police officer shall remain suspended whilst such Police officer is under suspension from office :

Provided that notwithstanding such suspension such person shall not cease to be a Police officer and shall continue to be subject to the control of the same authorities to which he would have been, if he was not under suspension.

General powers of Commissioner and District Superintendent.

16. The Commissioner, subject to the orders of the Inspector-General, and the District Superintendent, subject to the orders of the Inspector-General and the District Magistrate, shall, within their respective spheres of authority, direct and regulate all matters of arms, drill, exercise, observation of persons and events, mutual relations, distribution of duties, study of laws, orders and modes of proceedings and all matters of executive detail or the fulfilment of their duties by the Police Force under him.

Control of District Magistrate over Police Force in district.

17. (*1*) The District Superintendent and the Police Force of a district shall be under the control of the District Magistrate.

(*2*) In exercising such control the District Magistrate shall be governed by such rules and orders as the State Government may make in this behalf.

Power of District Magistrate to require reports from District Superintendent.

18. The District Magistrate may require from the District Superintendent reports, either particular or general, on any matter connected with the crimes, habitual offenders, the prevention of disorder, the regulation of assemblies and amusements, the distribution of the Police Force, the conduct and character of any Police officer subordinate to the District Superintendent, the utilization of auxiliary means and all other matters in furtherance of his control of the Police Force and the maintenance of order.

Power of supervision by District Magistrates.

19. If the District Magistrate observes any marked incompetence or unfitness for the locality or for his particular duties, in any Police officer subordinate to the District Superintendent, he may require the District Superintendent to substitute another officer for any officer whom he has power to transfer and the District Superintendent shall be bound to comply with the requisition :

Provided that if the Police officer concerned is an officer of the grade of the Inspector or of a higher grade, the District Magistrate may report his conduct to the Inspector-General. The Inspector-General may, thereafter, determine the action to be taken and pass such orders as he thinks fit, and shall communicate such action or order to the District Magistrate.

Power of Inspector-General and Commissioner to investigate, and regulate matters of Police accounts.

20. The Inspector-General, throughout the State and the Commissioner in the area for which he is appointed, shall, subject to the orders of the State Government, have authority to investigate and regulate all matters of account connected with the Police in the State or in the area, as the case may be, and all persons concerned shall be bound to give him reasonable aid and facilities in conducting such investigations and to conform to his orders consequent thereto.

Special Police officers.

21. (*1*) The Commissioner, the District Superintendent, or any Magistrate not lower in rank than that of second class specially empowered in this behalf by the State Government, may, at any time by a written order signed by himself and sealed with his own seal appoint any able-bodied male person between the ages of 18 and 50, whom he considers fit to be a Special Police officer to assist the Police Force on any occasion, when he has reason to apprehend the occurrence of any riot or grave disturbance of the peace within the limits of his charge and he is of opinion that

the ordinary Police Force is not sufficient for the protection of the inhabitants and for the security of property.

(2) Every special Police officer so appointed shall on appointment—

(a) receive a certificate in a form approved by the State Government in this behalf,

(b) have the same powers, privileges and immunities and be liable to the same duties and responsibilities and be subject to the same authorities as an ordinary Police officer.

Appointment of additional Police.

22. (1) Additional Police officers of such rank or grade for such time and on such pay as the authority specified by or under the provisions of this Act in that behalf may determine, may be employed or deputed for the purpose stated in such provisions.

(2) Every additional Police officer appointed, shall on appointment—

(a) receive a certificate in a form approved by the State Government in this behalf,

(b) be vested with all or such of the powers, privileges and duties of a Police officer as are specially mentioned in the certificate, and

(c) be subject to the orders of the Commissioner or the District Superintendent, as the case may be.

(3) The employment or deputation of such additional Police officer may be made at the request of any person requiring such Police and the cost of such employment shall be recovered in such manner as is provided by or under this Act or under any other law for the time being in force.

CHAPTER III.

Regulation, Control and Discipline of the Police Force.

Framing of rules for administration of the Police.

23. Subject to the orders of the State Government, the Commissioner in the case of the Police Force allocated to Greater Bombay and other areas for which he has been appointed and the Inspector-General in the case of the Police Force allocated to other areas may make rules or orders not inconsistent with this Act or with any other enactment for the time being in force—

(a) regulating the inspection of the Police Force by his subordinates;

(b) determining the description and quantity of arms, accoutrements, clothing and other necessaries to be furnished to the Police;

(c) prescribing the places of residence of members of the Police Force;

(d) for institution, management and regulation of any Police fund for any purpose connected with police administration;

(*e*) regulating, subject to the provisions of section 17, the distribution, movements and location of the Police ;

(*f*) assigning duties to Police officers of all ranks and grades, and prescribing—

(*i*) the manner in which, and

(*ii*) the conditions subject to which, they shall exercise and perform their respective powers and duties ;

(*g*) regulating the collection and communication by the Police of intelligence and information ;

(*h*) generally, for the purpose of rendering the Police efficient and preventing abuse or neglect of their duties.

Inspector-General or Commissioner may call for returns.

24. (*1*) The Inspector-General may, subject to the rules and orders of the State Government, call for such returns, reports and statements on subjects connected with the suppression of crime, the maintenance of order and the performance of their duties as his subordinates may be able to furnish to him. The Inspector-General shall communicate to the District Magistrate any general orders issued by him for the purposes aforesaid or in consequence of the information furnished to him, and also any orders which the State Government may direct.

(*2*) The Commissioner may subject as aforesaid with reference to the area under his charge call for such reports, returns and statements as are provided for in sub-section (*1*).

Punishment of the members of the subordinate ranks of the Police Force departmentally for neglect of duty, etc.

25. (*1*) The State Government, or any officer authorised by sub-section (*2*) in that behalf, may suspend, reduce, dismiss or remove any member of the subordinate ranks of the Police Force whom he shall think cruel, perverse, remiss or negligent in the discharge of his duty or unfit for the same, and may fine to an amount not exceeding one month's pay, any member of the subordinate ranks of the Police Force, who is guilty of any breach of discipline or misconduct or any act rendering him unfit for the discharge of his duty, which does not require his suspension or dismissal.

Punitive powers of Inspector-General, Commissioner, Deputy Inspector-General and District Superintendent.

(*2*) (*a*) The Inspector-General, the Commissioner and the Deputy Inspector-General shall have authority to punish any member of the subordinate ranks under sub-section (*1*). A District Superintendent shall have the like authority in respect of any Police officer subordinate to him below the grade of Inspector and may suspend an Inspector who is subordinate to him pending inquiry into a grave complaint against such Inspector and until an order of the Inspector-General or Deputy Inspector-General can be obtained.

(*b*) The Principal of the Central Police Training School, Nasik, shall also have the like authority in respect of any member of the subordinate ranks of the Police Force below the grade of Inspector serving under him, and in respect of head constables

and constables belonging to the Police Force of the Nasik District or of any other district attached to the said school for duty under him. He may also suspend an Inspector who is subordinate to him, pending inquiry into a grave complaint against such Inspector and until an order of the Inspector-General or Deputy Inspector-General can be obtained.

(*c*) The exercise of any power conferred by this sub-section shall be subject always to such rules and orders as may be made by the State Government in that behalf.

(*3*) Nothing in sub-sections (*1*) and (*2*)—

(*a*) shall affect any Police officer's liability to a criminal prosecution for any offence with which he may be charged; or

(*b*) shall entitle any authority subordinate to that by which the Police officer was appointed, to dismiss or remove him.

Procedure to be observed in awarding punishment.

26. When any officer passes an order for fining, suspending, reducing, removing or dismissing a Police officer, he shall record such order or cause the same to be recorded, together with the reasons therefor and a note of the inquiry made, in writing, under his signature:

Provided that no such order shall be passed without giving him a reasonable opportunity of showing cause against the action proposed to be taken against him except in cases referred to in the proviso (*a*) to clause (2) of Article 311 of the Constitution.

Appeals from orders of punishment.

27. An appeal against any order passed against a Police officer under section 25 or the rules or orders thereunder shall lie to the State Government itself or to such officer as the State Government may by general or special order specify.

Police officers to be deemed to be always on duty and to be liable to employment in any part of the State.

28. (*1*) Every Police officer not on leave or under suspension shall for all purposes of this Act be deemed to be always on duty, and any Police officer or any number or body of Police officers allocated for duty in one part of the State may, if the State Government or the Inspector-General so directs, at any time be employed on Police duty in any other part of the State for so long as the services of the same may be there required.

Intimation of proposed transfers to be given by the Inspector-General to the Commissioner and District Magistrate.

(*2*) Timely intimation shall, except in cases of extreme urgency, be given to the Commissioner and the District Magistrate by the Inspector-General of any proposed transfer under this section, and, except, where secrecy is necessary, the reasons for the transfer shall be explained; whereupon the officers aforesaid and their subordinates shall give all reasonable furtherance to such transfer.

Under what conditions Police officer may resign.

29. (*1*) Except with the written permission of the Commissioner or the Deputy Inspector-General, Criminal Investigation Department, or of the Principal of the Central Police Training School, Nasik, or of the District Superintendent or of some other Police officer empowered by the Inspector-General or the Commissioner to grant such permission, no Police officer of the subordinate

ranks shall resign his office or withdraw himself from the duties thereof, until (*a*) the expiration of two months after written notice of his intention so to do has been given by him to any of the aforesaid officers to whom he is subordinate and until, (*b*) he has fully discharged any debt due by him as such Police officer to Government or to any Police fund.

(*2*) If any such Police officer produces a certificate signed by the Police Surgeon or the Civil Surgeon declaring him to be unfit by reason of disease or mental or physical incapacity for further service in the Police, the necessary written permission to resign shall forthwith be granted to him on his discharging or giving satisfactory security for the payment of any debt due by him as such Police officer, to Government or to any Police fund.

Arrear of pay of a Police officer contravening this section may be forfeited.

(*3*) If any such Police officer as aforesaid resigns or withdraws himself from the duties of his office in contravention of this section, he shall be liable on the order of the Commissioner, or the Deputy Inspector-General, Criminal Investigation Department, or of the Principal of the Central Police Training School, Nasik, or of the District Superintendent, as the case may be, to forfeit all arrears of pay then due to him. This forfeiture shall be in addition to the penalty to which the said officer is liable under section 145 of this Act or any other law in force.

Certificate, arms, etc., to be delivered up by person ceasing to be a Police officer and

30. (*1*) Every person who for any reason ceases to be a Police officer shall forthwith deliver up to some officer empowered by the Commissioner, or the Deputy Inspector-General, Criminal Investigation Department, or the Principal of the Central Police Training School, Nasik, or the District Superintendent to whom such Police officer is subordinate to receive the same, his certificate of appointment or of office and the arms, accoutrements, clothing and other necessaries which have been furnished to him for the performance of duties and functions connected with his office.

if not delivered up may be seized under a search warrant.

(*2*) Any Magistrate and, for special reasons which shall be recorded in writing at the time, the Commissioner or the Deputy Inspector-General, Criminal Investigation Department, or the Principal of the Central Police Training School, Nasik, or any District Superintendent, Assistant Superintendent, or Deputy Superintendent may issue a warrant to search for and seize, wherever they be found, any certificate, arms, accoutrements, clothing or other necessaries not so delivered up. Every warrant so issued shall be executed in accordance with the provisions of the Code of Criminal Procedure, 1898, by a Police officer or, if the Magistrate, the Commissioner, the Deputy Inspector-General, Criminal Investigation Department, the Principal of the Central Police Training School, Nasik, the District Superintendent, the Assistant Superintendent or the Deputy Superintendent issuing the warrant so directs, by any other person.

Saving of certain articles.

(*3*) Nothing in this section shall be deemed to apply to any article which, under the orders of the Inspector-General, or the Commissioner, as the case may be, has become the property of the person to whom the same was furnished.

Occupation of and liability to vacate premises provided for Police officers.

31. (*1*) Any Police officer occupying any premises provided by the State Government for his residence—

(*a*) shall occupy the same subject to such conditions and terms as may, generally or in special cases, be specified by the State Government, and

(*b*) shall, notwithstanding anything contained in any law for the time being in force, vacate the same on his ceasing to be a Police officer or whenever the State Government or any officer authorised by the State Government in this behalf thinks it necessary and expedient to require him to do so.

(*2*) If any person who is bound or required under sub-section (*1*) to vacate any premises fails to do so, the State Government or the officer authorised in this behalf by the State Government may order such person to vacate the premises and may

direct any Police officer with such assistance as may be necessary to enter upon the premises and remove therefrom any person found therein and to take possession of the premises and deliver the same to any person specified in the direction.

III of 1888.

32. Subject to the provisions of the Police Act, 1888, and save in so far as the operation of this section may be temporarily suspended by the special order of the State Government, nothing in Chapters II and III shall be deemed to affect any officers of the Railway Police employed within the limits of the State of Bombay on Police functions connected with the administration of any railway and any such Police officer shall, in the discharge of such functions, be vested with the powers, privileges and be subject to the liabilities of a Police officer of the establishment to which he belongs. Saving in regard to Railway Police.

CHAPTER IV.

Police Regulations.

33. (*1*) The Commissioner and the District Magistrate, in areas under their respective charges or any part thereof, may make, alter or rescind rules or orders not inconsistent with this Act for— Power to make rules for regulation of traffic and for preservation of order in public places, etc.

(*a*) licensing and controlling persons offering themselves for employment at quays, wharves and landing places, and outside Railway stations, for the carriage of passengers' baggages, and fixing and providing for the enforcement of a scale of charges for the labour of such persons so employed ;

(*b*) regulating traffic of all kinds in streets and public places, and the use of streets and public places by persons riding, driving, cycling, walking or leading or accompanying cattle, so as to prevent danger, obstruction or inconvenience to the public ;

(*c*) regulating the conditions under which vehicles may remain standing in streets and public places, and the use of streets as halting places for vehicles or cattle ;

(*d*) prescribing the number and position of lights to be used on vehicles in streets and the hours between which such lights shall be used ;

(*e*) prescribing certain hours of the day during which cattle shall not be driven along the streets, or along certain specified streets, except subject to such regulations as he may prescribe in that behalf ;

(*f*) regulating the leading, driving, conducting or conveying of any elephant or wild or dangerous animal through or in any street ;

(*g*) regulating and controlling the manner and mode of conveying timber, scaffold poles, ladders, iron girders, beams or bars, boilers or other unwieldy articles through the streets, and the route and hours for such conveyance ;

(*h*) licensing, controlling or, in order to prevent the obstruction, inconvenience, annoyance, risk, danger or damage of the residents or passengers in the vicinity, prohibiting the carrying in streets and public places of gunpowder or any other explosive substance ;

(*i*) prohibiting, except along certain specified streets and during specified hours and subject to such regulations as he may prescribe in that behalf, the exposure or movement in any street of persons or animals suffering from contagious or infectious diseases and the carcasses of animals or part thereof and the corpses of persons deceased ;

(*j*) prescribing certain hours of the day during which offensive matter or objects shall not be taken from or into houses or buildings in certain streets or conveyed through such streets except subject to such rules as he may make in that behalf ;

(*k*) setting apart places for the slaughtering of animals, the cleaning of carcases or hides, the deposit of noxious or offensive matter and for obeying calls of nature ;

(*l*) in cases of existing or apprehended epidemic or infectious disease of men or animals, the cleanliness and disinfection of premises by the occupier thereof and residents therein and the segregation and management of the persons or animals diseased or supposed to be diseased, as may have been directed or approved by the State Government, with a view to prevent the disease or to check the spreading thereof ;

(*m*) directing the closing or disuse, wholly or for certain purposes, or limiting to certain purposes only the use of any source, supply or receptacle of water, and providing against pollution of the same or of the water therein ;

(*n*) licensing, controlling or, in order to prevent the obstruction, inconvenience, annoyance, risk, danger or damage of the residents or passengers in the vicinity, prohibiting the playing of music, the beating of drums, tom-toms or other instruments and the blowing or sounding of horns or other noisy instruments in or near streets or public places ;

(*o*) regulating the conduct of and behaviour or action of persons constituting assemblies and processions on or along the streets and prescribing in the case of processions, the routes by which, the order in which and the times at which the same may pass ;

(*p*) prohibiting the hanging or placing of any cord or pole across a street or part thereof, or the making of a projection or structure so as to obstruct traffic or the free access of light and air ;

(*q*) prohibiting, except under such reasonable rules as he may make, the placing of building materials or other articles or the fastening or detention of any horse or other animals in any street or public place ;

(*r*) licensing, controlling or, in order to prevent obstruction, inconvenience, annoyance, risk, danger or damage of the residents or passengers in the vicinity, prohibiting—

(*i*) the illumination of streets and public places and the exteriors of building abutting thereon by persons other than servants of Government or Municipal officers duly authorized in that behalf,

(*ii*) the blasting of rock or making excavations in or near streets or public places,

(*iii*) the using of a loudspeaker in any public place or place of public entertainment ;

(*s*) closing certain streets or places temporarily, in cases of danger from ruinous buildings or other cause, with such exceptions as shall appear reasonable ;

(*t*) guarding against injury to person and property in the construction, repair and demolition of buildings, platforms and other structures from which danger may arise to passengers, neighbours or the public ;

(*u*) prohibiting the setting fire to or burning any straw or other matter, or lighting a bonfire or wantonly discharging a fire-arm or air-gun, or letting off or throwing a fire-work, or sending up a fire balloon or rocket in or upon or within fifty feet of a street or building or the putting up of any post or other thing on the side of or across a street for the purpose of affixing thereto lamps or other contrivances for illumination, except subject to such reasonable rules, as he may make in that behalf ;

(*v*) regulating the hours during which and the manner in which any place for the disposal of the dead, any dharmashala, village-gate or other place of public

resort may be used, so as to secure the equal and appropriate application of its advantages and accommodation and to maintain orderly conduct amongst those who resort thereto ;

(*w*) (*i*) licensing or controlling places of public amusement or entertainment ;

(*ii*) prohibiting the keeping of places of public amusement or entertainment or assembly, in order to prevent obstruction, inconvenience, annoyance, risk, danger or damage to the residents or passengers in the vicinity ;

(*iii*) regulating the means of entrance and exit at places of public amusement or entertainment or assembly, and providing for the maintenance of public safety and the prevention of disturbance thereat ;

(*x*) regulating or prohibiting the sale of any ticket or pass for admission, by whatever name called, to a place of public amusement ;

(*y*) prescribing the procedure in accordance with which any licence or permission sought to be obtained or required under this Act should be applied for, and fixing the fees to be charged for any such licence or permission :

Provided that nothing in this section and no licence granted under any rule made thereunder shall authorize any person to import, export, transport, manufacture, sell or possess any liquor or intoxicating drug, in respect of which a licence, permit, pass or authorisation is required under the Bombay Prohibition Act, 1949, or under any other law for the time being in force relating to the Abkari revenue or shall affect the liability of any person under any such law, or shall in any way affect the provisions of the Arms Act, 1878, or of the Explosives Act, 1884, or of any rules made under either of those enactments, or the liability of any person thereunder :

Bom. XXV of 1949.

XI of 1878.

IV of 1884.

Provided further that any action taken under the rules or orders made under this sub-section or the grant of a licence made under such rules or orders shall be subject to the control and supervision of the State Government.

(*2*) (*i*) The power of making, altering or rescinding rules under clauses (*a*), (*b*) and (*c*) of sub-section (*1*) shall be subject to the control of the State Government.

(*ii*) The power of making, altering or rescinding rules under the remaining clauses of sub-section (*1*) shall be subject to the previous sanction of that Government.

(*3*) Every rule made under clause (*v*) of sub-section (*1*) with respect to the use of a place for the disposal of the dead shall be framed with due regard to ordinary and established usages and to the necessities of prompt disposal of the dead in individual cases.

(*4*) Every rule promulgated under the authority of clause (*l*) of sub-section (*1*) shall, if made in relation to any area outside Greater Bombay, be forthwith reported to the State Government or such authority as the State Government may appoint in this behalf.

(*5*) If any rule or order made or promulgated under this section relates to any matter with respect to which there is a provision in any law, rule or by-law of any municipal or local authority in relation to the public health, convenience or safety of the locality, such rule or order shall be subject to such law, rule or by-law of the municipal or local authority, as the case may be.

(*6*) The power of making, altering or rescinding rules under this section shall be subject to the condition of the rules being made, altered or rescinded after previous publication, and every rule made or alteration or rescission of a rule made under this section shall be published in the *Official Gazette* and in the locality affected thereby by affixing copies thereof in conspicuous places near to the building, structure, work or place, as the case may be, to which the same specially relates or by proclaiming the same by the beating of drum or by advertising the same in such local newspapers in English or in the local language,

as the authority making, altering or rescinding the rule may deem fit or by any two or more of these means or by any other means it may think suitable :

Provided that any such rules may be made, altered or rescinded without previous publication if the Commissioner or the District Magistrate, as the case may be, is satisfied that circumstances exist which renders it necessary that such rules or alterations therein or rescission thereof should be brought into force at once.

(7) Notwithstanding anything hereinbefore contained in this section or which may be contained in any rule made thereunder, it shall always be lawful for the competent authority to refuse a licence for, or to prohibit the keeping of any place of public amusement or entertainment by a person of notoriously bad character.

(8) It shall be the duty of all persons concerned to conform to any order duly made as aforesaid so long as the same shall be in operation.

Competent authority may authorise erection of barriers on streets.

34. The Commissioner and the District Superintendent in areas under their respective charges may, whenever in his opinion such action is necessary, authorise such Police officer as he thinks fit to erect barriers on any street for the purpose of stopping temporarily vehicles driven on such street and satisfy himself that the provisions of any law for the time being in force have not been contravened in respect of any such vehicle or by the driver of or the person in charge of such vehicle. The said authority may also make such orders as it deems fit for regulating the use of such barriers.

Power to make rules prohibiting disposal of the dead except at places set apart.

35. (1) A competent authority may, from time to time, make rules prohibiting the disposal of the dead, whether by cremation, burial or otherwise at places other than those set apart for such purpose :

Provided that no such rules shall be made in respect of any such town or place in which places have not been so set apart :

Provided further that the competent authority or any officer authorised by it in this behalf may, in its or his discretion on an application made to it or him by any person, grant to such person permission to dispose of the corpse of any deceased person at any place other than a place so set apart, if in its or his opinion such disposal is not likely to cause obstruction to traffic or disturbance of the public peace or is not objectionable for any other reason.

(2) Any rules made under sub-section (1) shall specify the places set apart for the disposal of the dead of different communities or sections of communities.

(3) All such rules shall be subject to the condition of previous publication and the date to be specified under clause (c) of section 24 of the Bombay General Clauses Act, 1904, shall not be earlier than two months from the date on which the draft of the proposed rules is published.

Bom. I of 1904.

Explanation.—For the purposes of this section, a place set apart for the disposal of the dead means a place set apart for such purpose under any custom, usage or law for the time being in force.

Power of Commissioner or the District Superintendent and of other officers to give direction to the public.

36. In areas under their respective charges the Commissioner, and subject to his orders every Police officer not inferior in rank to an Inspector, and the District Superintendent and subject to his orders any Police officer of not lower than such rank as may be specified by the State Government in that behalf, may, from time to time as occasion may arise, but not so as to contravene any rule or order under section 33 give all such orders either orally or in writing as may be necessary to—

(a) direct the conduct of, and behaviour or action of persons constituting processions or assemblies on or along the streets ;

(b) prescribe the routes by which and the times at which any such processions may or may not pass ;

(c) prevent obstructions on the occasion of all processions and assemblies and in the neighbourhood of all places of worship during the time of worship and in all cases when any street or public place or place of public resort may be thronged or liable to be obstructed ;

(*d*) keep order on and in all streets, quays, wharves, and at and within public bathing, washing and landing places, fairs, temples and all other places of public resort ;

(*e*) regulate and control the playing of music or singing, or the beating of drums, tom-toms and other instruments and the blowing or sounding of horns or other noisy instruments, in or near any street or public place ;

(*f*) make reasonable orders subordinate to and in furtherance of any order made by a competent authority under sections 33, 35, 37 to 40, 42, 43 and 45 of this Act.

Power to prohibit certain acts for prevention of disorder.

37. (*1*) The Commissioner and the District Magistrate in areas under their respective charges may, whenever and for such time as he shall consider necessary for the preservation of public peace or public safety by a notification publicly promulgated or addressed to individuals, prohibit at any town, village or place or in the vicinity of any such town, village or place—

(*a*) the carrying of arms, cudgels, swords, spears, bludgeons, guns, knives, sticks or lathis, or any other article, which is capable of being used for causing physical violence,

(*b*) the carrying of any corrosive substance or of explosives,

(*c*) the carrying, collection and preparation of stones or other missiles or instruments or means of casting or impelling missiles,

(*d*) the exhibition of persons or corpses or figures or effigies thereof,

(*e*) the public utterance of cries, singing of songs, playing of music,

(*f*) delivery of harangues, the use of gestures or mimetic representations, and the preparation, exhibition or dissemination of pictures, symbols, placards or any other object or thing which may in the opinion of such authority offend against decency or morality or undermine the security of or tend to over-throw the State.

(*2*) If any person goes armed with any such article or carries any corrosive substance or explosive or missile in contravention of such prohibition, he shall be liable to be disarmed or the corrosive substance or explosive or missile shall be liable to be seized from him by any Police officer, and the article, corrosive substance, explosive or missile so seized shall be forfeited to the State Government.

(*3*) The authority empowered under sub-section (*1*) may also by order in writing prohibit any assembly or procession whenever and for so long as it considers such prohibition to be necessary for the preservation of the public order :

Provided that no such prohibition shall remain in force for more than fifteen days without the sanction of the State Government.

(*4*) The authority empowered under sub-section (*1*) may also by public notice temporarily reserve for any public purpose any street or public place and prohibit persons from entering the area so reserved, except under such conditions as may be prescribed by such authority.

Power to prohibit, etc. continuance, of music, sound or noise.

38. (*1*) If the Commissioner or District Superintendent is satisfied from the report of an officer in charge of a Police Station or other information received by him that it is necessary to do so in order to prevent annoyance, disturbance, discomfort or injury or risk of annoyance, disturbance, discomfort or injury to the public or to any persons who dwell or occupy property in the vicinity, he may, by a written

order issue such directions as he may consider necessary to any person for preventing, prohibiting, controlling or regulating—

(*a*) the incidence or continuance in or upon any premises of—

(*i*) any vocal or instrumental music,

(*ii*) sounds caused by the playing, beating, clashing, blowing or use in any manner whatsoever of any instrument, appliance or apparatus or contrivance which is capable of producing sound, or

(*b*) the carrying on, in or upon, any premises of any trade, avocation or operation resulting in or attended with noise.

(*2*) The authority empowered under sub-section (*1*) may, either on its own motion or on the application of any person aggrieved by an order made under sub-section (*1*), either rescind, modify or alter any such order:

Provided that before any such application is disposed of, the said authority shall afford to the applicant an opportunity of appearing before it either in person or by pleader and showing cause against the order and shall, if it rejects any such application either wholly or in part, record its reasons for such rejection.

Issue of orders for prevention of riot, etc.

39. (*1*) In order to prevent or suppress any riot or grave disturbance of peace, the Commissioner and the District Superintendent, in areas under their respective charges, may temporarily close or take possession of any building or place, and may exclude all or any persons therefrom, or may allow access thereto to such persons only and on such terms as he shall deem expedient. All persons concerned shall be bound to conduct themselves in accordance with such orders as the authority making orders may make and notify in exercise of the authority hereby vested in it.

Compensation to lawful occupier of building or place closed or taken possession of.

(*2*) If the lawful occupier of such building or place suffers substantial loss or injury by reason of the action taken under sub-section (*1*), he shall be entitled, on application made to the authority concerned within one month from the date of such action, to receive reasonable compensation for such loss or injury, unless such action was in the opinion of such authority rendered necessary either by the use to which such building or place was put or intended to be put or by the misconduct of persons having access thereto.

Disputes as to compensation to be settled.

(*3*) In the event of any dispute in any case under sub-section (*2*) the decision of the Chief Presidency Magistrate or the District Magistrate, as the case may be, shall be conclusive as to the amount (if any) to be paid, and as to the person to whom it is to be paid.

Issue of orders for maintenance of order at religious ceremonials, etc.

40. (*1*) In any case of an actual or intended religious or ceremonial or corporate display or exhibition or organised assemblage in any street or public place, as to which or the conduct of or participation in which it shall appear to a competent authority that a dispute or contention exists which is likely to lead to grave disturbance of the peace, such authority may give such orders as to the conduct of the persons concerned towards each other and towards the public as it shall deem necessary and reasonable, under the circumstances, regard being had to the apparent legal rights and to any established practice of the parties and of the persons interested. Every such order shall be published in the town or place wherein it is to operate, and all persons concerned shall be bound to conform to the same.

(*2*) Any order under sub-section (*1*) shall be subject to a decree, injunction or order made by a Court having jurisdiction, and shall be recalled or altered on its being made to appear to the authority making the order that such order is

inconsistent with a judgment, decree, injunction or order of such Court, on the complaint, suit or an application of any person interested, as to the rights and duties of any persons affected by the order aforesaid.

Police to provide against disorder, etc., at places of amusement and public meetings.

41. (*1*) For the purpose of preventing serious disorder or breach of the law or manifest and imminent danger to the persons assembled at any public place of amusement or at an assembly or meeting to which the public are invited or which is open to the public, the senior Police officer of highest rank superior to that of constable, present at such place of amusement or such assembly or meeting may, subject to such rules and orders as may have been lawfully made, give such reasonable directions as to the mode of admission of the public to, and for securing the peaceful and lawful conduct of the proceedings and the maintenance of the public safety at such place of amusement or such assembly or meeting, as he thinks necessary and all persons shall be bound to conform to every such reasonable direction.

Police to have free access thereto.

(*2*) The Police shall have free access to every such place of amusement, assembly or meeting, for the purpose of giving effect to the provisions of sub-section (*1*) and to any direction made thereunder.

Discontinuance of brothels.

42. On complaint being made to the District Magistrate or a Sub-Divisional Magistrate that any house in a town or village in his district or sub-division to which the State Government has by notification extended this section is used as a common brothel or lodging house or place of resort for prostitutes or disorderly persons of any description, to the annoyance of the respectable inhabitants of the vicinity, the said Magistrate may summon the owner or tenant of the house to answer the complaint, and on being satisfied that the house is so used may order the owner or tenant, within a reasonable period, which shall be set forth in the order, to discontinue such use of it.

District Magistrate may take special measures to prevent outbreak of epidemic disease at fair, etc.

43. (*1*) Whenever it shall appear to the Commissioner or District Magistrate that any place in the areas under their respective charges, at which, on account of a pilgrimage, fair or other such occurrence, large bodies of persons have assembled or are likely to assemble is visited or will probably be visited with an outbreak of any epidemic disease, he may take such special measures and may by public notice prescribe such regulations to be observed by the residents of the said place and by persons present thereat or repairing thereto or returning therefrom as he shall deem necessary to prevent the outbreak of such disease or the spread thereof.

(*2*) It shall be lawful for the District Magistrate or for the Collector or the Chief Presidency Magistrate on the requisition of the Commissioner or the District Magistrate to assess and levy such reasonable fees on persons falling under the provisions of sub-section (*1*) as will provide for the expenses of the arrangements for sanitation and the preservation of order at and about the place of assemblage.

(*3*) When the place of assemblage is within the limits of a municipality or corporation such sums as shall be necessary for the purposes aforesaid may be recovered from the municipality or corporation.

Destruction of stray dogs.

44. (*1*) The Commissioner and the District Superintendent in areas under their respective charges may from time to time, by public notice, proclaim that any stray dogs found, during such period as may be specified in the said notice,

wandering in the streets or in any public place may be destroyed, and any dog so found within such period may be destroyed accordingly.

(2) The authority empowered under sub-section (1) may by public notice require that every dog, while in any street or public place and not led by some person, shall be muzzled in such a manner as effectually to prevent it from biting, while not obstructing its breathing or drinking, and the Police may, so long as such notice remains in force, destroy, or take possession of and detain, any dog found loose without muzzle in any street or place beyond the premises of the owner thereof:

Provided that any dog so found, wearing a collar on which an apparently genuine name and address of an owner is inscribed, shall not, unless it is rabid, be forthwith destroyed, but information of the detention thereof shall forthwith be sent by post or otherwise to such owner.

(3) Any dog which has been detained under sub-section (2) for a period of three clear days without the owner providing a muzzle and paying all expenses connected with such detention, may be destroyed or sold with the sanction and under the orders of the competent authority.

(4) The proceeds of the sale of any dog under sub-section (3) shall be applied, as far as may be, in discharge of the expenses incurred in connection with its detention, and the balance, if any, shall form part of the consolidated fund of the State.

(5) Any expenses incurred in connection with the destruction or detention of any dog under this section shall, subject to the provisions of sub-section (4), be recoverable from the owner thereof upon a warrant issued by the competent authority as if it were a warrant under section 386 of the Code of Criminal Procedure, 1898. V of 1898.

Destruction of suffering or unfit animals.

45. (1) Any Police officer who in any street or public place other than a place of worship finds any animal other than a bull or a cow so diseased, or so severely injured, and in such a physical condition, that in his opinion it cannot without cruelty be removed, shall, if the owner is absent or refuses to consent to the destruction of the animal, at once summon the Veterinary Practitioner in charge of the area in which the animal is found and, if the Veterinary Practitioner certifies that the animal is mortally injured, or so severely injured, or so diseased, or in such a physical condition, that it is cruel to keep it alive, the Police officer may, without the consent of the owner, destroy the animal or cause it to be destroyed:

Provided that if in the opinion of the Veterinary Practitioner the animal can be removed from the place where it is found without causing it great suffering, and, if the owner or person in charge of the animal or in their absence any other person on the spot is willing and offers to remove the animal to a Veterinary Hospital or Panjrapol within such time as the Veterinary Practitioner considers reasonable, the Veterinary Practitioner shall allow the animal to be removed by such owner, person in charge of the animal or other person. If the owner or person in charge of the animal or such other person is unwilling or fails so to remove the animal, the Veterinary Practitioner may direct the Police officer to remove the animal before it is destroyed from the place where it is found to such other place as he may think fit:

Provided further that when the animal is destroyed in any street or public place it shall, as far as possible, be screened from the public gaze while it is being destroyed.

(2) The State Government may appoint such persons as it thinks fit to be Veterinary Practitioners and may declare the areas of which they shall be in charge for the purposes of this Act.

wandering in the streets or in any public place may be destroyed, and any dog so found within such period may be destroyed accordingly.

(*2*) The authority empowered under sub-section (*1*) may by public notice require that every dog, while in any street or public place and not led by some person, shall be muzzled in such a manner as effectually to prevent it from biting, while not obstructing its breathing or drinking, and the Police may, so long as such notice remains in force, destroy, or take possession of and detain, any dog found loose without muzzle in any street or place beyond the premises of the owner thereof :

Provided that any dog so found, wearing a collar on which an apparently genuine name and address of an owner is inscribed, shall not, unless it is rabid, be forthwith destroyed, but information of the detention thereof shall forthwith be sent by post or otherwise to such owner.

(*3*) Any dog which has been detained under sub-section (*2*) for a period of three clear days without the owner providing a muzzle and paying all expenses connected with such detention, may be destroyed or sold with the sanction and under the orders of the competent authority.

(*4*) The proceeds of the sale of any dog under sub-section (*3*) shall be applied, as far as may be, in discharge of the expenses incurred in connection with its detention, and the balance, if any, shall form part of the consolidated fund of the State.

(*5*) Any expenses incurred in connection with the destruction or detention of any dog under this section shall, subject to the provisions of sub-section (*4*), be recoverable from the owner thereof upon a warrant issued by the competent authority as if it were a warrant under section 386 of the Code of Criminal Procedure, 1898. V of 1898.

Destruction of suffering or unfit animals.

45. (*1*) Any Police officer who in any street or public place other than a place of worship finds any animal other than a bull or a cow so diseased, or so severely injured, and in such a physical condition, that in his opinion it cannot without cruelty be removed, shall, if the owner is absent or refuses to consent to the destruction of the animal, at once summon the Veterinary Practitioner in charge of the area in which the animal is found and, if the Veterinary Practitioner certifies that the animal is mortally injured, or so severely injured, or so diseased, or in such a physical condition, that it is cruel to keep it alive, the Police officer may, without the consent of the owner, destroy the animal or cause it to be destroyed :

Provided that if in the opinion of the Veterinary Practitioner the animal can be removed from the place where it is found without causing it great suffering, and, if the owner or person in charge of the animal or in their absence any other person on the spot is willing and offers to remove the animal to a Veterinary Hospital or Panjrapol within such time as the Veterinary Practitioner considers reasonable, the Veterinary Practitioner shall allow the animal to be removed by such owner, person in charge of the animal or other person. If the owner or person in charge of the animal or such other person is unwilling or fails so to remove the animal, the Veterinary Practitioner may direct the Police officer to remove the animal before it is destroyed from the place where it is found to such other place as he may think fit :

Provided further that when the animal is destroyed in any street or public place it shall, as far as possible, be screened from the public gaze while it is being destroyed.

(*2*) The State Government may appoint such persons as it thinks fit to be Veterinary Practitioners and may declare the areas of which they shall be in charge for the purposes of this Act.

46. Every power conferred by this Chapter on a District Superintendent, not specially empowered by the State Government to exercise that power or on any officer subordinate to him shall be exercised by him subject to the orders of the District Magistrate and all rules, regulations and orders made under this Chapter shall, if made by the Commissioner, be governed by such rules and orders as the State Government may from time to time make in this behalf and, if made by the District Magistrate or the District Superintendent specially empowered in that behalf, shall be subject to the provisions of section 17.

Powers under this Chapter to be exercised by District Superintendent subject to the control of District Magistrate and Commissioner and by District Magistrates subject to the control of State Government.

CHAPTER V.

Special measures for maintenance of public order and safety of State.

I. Employment of additional Police, recovery of cost thereof and of riot compensation—its assessment and recovery.

47. (*1*) The Commissioner or District Superintendent may, on the application of any person, depute any additional number of Police to keep the peace, to preserve order or to enforce any of the provisions of this or any other Act in respect of any particular class or classes of offences or to perform any other Police duties at any place in the area under his charge.

Employment of additional Police on application of a person.

(*2*) Such additional Police shall be employed at the cost of the person making the application, but shall be subject to the orders of the Police authorities and shall be employed for such period as the appointing authority thinks fit.

(*3*) If the person upon whose application such additional Police are employed shall at any time make a written requisition to the appointing authority to which the application for the employment of additional Police was made, for the withdrawal of the said Police, he shall be relieved from the cost thereof at the expiration of such period not exceeding one month from the date of the delivery of such requisition, as the State Government or the appointing authority, as the case may be, shall determine.

48. (*1*) Whenever it appears to the State Government or a competent authority that—

Employment of additional police at large works and when apprehension regarding behaviour of employees exists.

(*a*) any large work which is being carried on or any public amusement which is being conducted is likely to impede the traffic or to attract a large number of people, or

(*b*) that the behaviour or a reasonable apprehension of the behaviour, of the persons employed on any railway, canal or other public work, or in or upon any manufactory or other commercial concern under construction or in operation at any place necessitates the employment of additional Police at such place, the State Government or the competent authority may depute such additional Police to the said place as it shall think fit and keep the said Police employed at such place for so long as such necessity shall appear to it to continue.

(2) Such additional Police shall be employed at the cost of the person by whom the work, amusement, manufactory or concern is being constructed, conducted or carried on and the said person shall pay the costs therefor at such rates as the State Government or the competent authority, as the case may be, shall from time to time require.

Recovery of cost of additional Police employed under sections 47 and 48.

49. In case of any dispute under section 47 or 48 the decision of the Chief Presidency Magistrate, in Greater Bombay, and the District Magistrate, in the district, shall be conclusive as to the amount to be paid and as to the person by whom it is to be paid and the sum so ascertained may, on the requisition of the Chief Presidency Magistrate or the District Magistrate, be recovered by the Collector as if it were an arrear of land revenue due by the person found to be answerable therefor.

Employment of additional Police in cases of special danger to public peace.

50. (1) If in the opinion of the State Government any area is in a disturbed or dangerous condition or in which the conduct of the inhabitants or of any particular section of the inhabitants renders it expedient temporarily to employ additional Police, it may by notification in the Official Gazette specify—

(a) the area (hereinafter called " the disturbance area ") in which the additional Police is to be employed,

(b) the period for which the additional Police is to be employed :

Provided that the period fixed under clause (b) may be extended by the State Government from time to time, if in its opinion it is necessary to do so in the general interest of the public. The cost of the additional Police shall be a tax imposed under this section and shall be recovered in the manner prescribed in the succeeding sub-sections.

(2) The decision of the State Government under clauses (a) and (b) of sub-section (1) shall be final.

(3) On the issue of such notification, the State Government may require,—

(a) in any disturbance area which is within the limits of a Corporation, the Municipal Commissioner, the Collector or any other authority,

(b) in any disturbance area which is within the limits of a municipality, the municipality, the Collector or any other authority,

(c) in any disturbance area which is outside the areas specified in clauses (a) and (b), the Collector or any other authority,

to recover, whether in whole or in part, the cost of such additional Police generally from all persons who are inhabitants of the disturbance area or specially from any particular section or sections, or class or classes of such persons, and in such proportion as the State Government may direct :

Provided that where the Municipal Commissioner or the Municipality is directed to recover such cost, an additional sum not exceeding 3 per cent. of the amount of such cost shall also be recoverable.

(4) (i) The State Government may require the Municipal Commissioner or the Municipality to recover such cost and the additional sum by an addition to the general or property tax which shall be imposed and levied in all or such of the municipal wards, sub-wards or sections thereof, as the State Government may direct. Every addition to the general or property tax imposed under this sub-section shall be recovered by the Municipal Commissioner or the Municipality from each person liable therefor in the same manner as the general or property tax due from him. The provisions of the relevant Municipal Act shall apply to any such addition as if

it were part of the general or property tax levied under the said Act. Such addition shall be a charge along with the general or property tax, on the properties, in such municipal wards or sub-wards or sections.

(*ii*) The State Government may also require the Municipal Commissioner or the Municipality to recover such cost and the additional sum from each person liable therefor under sub-section (*3*) in such manner as the State Government may direct.

(*iii*) Where the Municipal Commissioner or a Municipality makes default in imposing and levying any such tax or in making such recovery, the State Government may direct the Collector to impose and levy such tax or to make such recovery.

(*5*) Every amount recoverable by the Collector or other authority under this section shall be recoverable as if it were an arrear of land revenue due by the person liable therefor.

(*6*) It shall be lawful for the State Government by order to exempt any person from liability to bear any portion of the cost of such additional Police.

(*7*) Out of the total amount recovered by the Municipal Commissioner or by a Municipality under sub-section (*4*) or (*5*) whether before or after the coming into operation of this Act the amount of the cost shall be paid to the State Government and the balance, if any, shall be credited to the municipal fund constituted under the relevant Municipal Act. Such amount of cost shall be paid to the State Government every three months.

Explanation.—In this section the expression "inhabitants" when used with reference to any area includes persons who themselves or by their agents or servants occupy or hold land or other immovable property within such area and landlords who themselves or by their agents or servants collect rent from holders or occupiers of land in such area notwithstanding that they do not actually reside therein.

Compensation for injury caused by unlawful assembly, how recoverable. Date to be fixed for liability.

51. (*1*) When any loss or damage is caused to any property or when death results or grievous hurt is caused to any person or persons, by anything done in the prosecution of the common object of an unlawful assembly, the State Government may, by notification in the Official Gazette, specify—

(*a*) the area, (hereinafter called "the disturbance area"), in which in its opinion such unlawful assembly was held;

(*b*) the date on which or the period during which such unlawful assemby was held.

(*2*) The decision of the State Government under clauses (*a*) and (*b*) of sub-section (*1*) shall be final.

(*3*) On the issue of a notification under sub-section (*1*), the Chief Presidency Magistrate, in Greater Bombay, and the District Magistrate, in Districts, may, after such inquiry as he deems necessary, determine the amount of the compensation which, in his opinion, should be paid to any person or persons in respect of the loss or damage or death or grievous hurt aforesaid. The amount of compensation shall be a tax imposed under this section and shall be recovered in the manner prescribed in the succeeding sub-sections.

(*4*) The Chief Presidency Magistrate or the District Magistrate, as the case may be, may require—

(*a*) in any disturbance area which is within the limits of a Corporation, the Municipal Commissioner, the Collector or any other authority;

(*b*) in any disturbance area which is within the limits of a municipality, the municipality, the Collector or any other authority, and

(*c*) in any disturbance area which is outside the area specified in clauses (*a*) and (*b*), the Collector or any other authority

to recover the amount (hereinafter called " the compensation amount ") as determined under sub-section (*3*) either in whole or in part and where the Municipal Commissioner or the Municipality is required to recover such amount, an additional sum not exceeding three per cent. of the compensation amount (hereinafter referred to as " the Municipal recovery cost "), generally from all persons who were inhabitants of the disturbance area or specially from any particular section or sections, or class or classes of such persons in the said area, and in such proportion as the Chief Presidency Magistrate or the District Magistrate may direct.

(*5*) (*i*) The Chief Presidency Magistrate or the District Magistrate, as the case may be, may require the Municipal Commissioner or the Municipality concerned to recover the compensation amount and the municipal recovery cost by an addition to the general or property tax which shall be imposed and levied in the disturbance area. Every addition to the general or property tax imposed under this sub-section shall be recovered by the Municipal Commissioner or the Municipality concerned from each person liable therefor in the same manner as the general or property tax due from him. The provisions of the relevant Municipal Act shall apply to any such addition as if it were part of the general or property tax levied under the relevant Municipal Act. Such addition shall be a charge along with the general or property tax on the properties in the area aforesaid.

(*ii*) The Chief Presidency Magistrate or the District Magistrate, as the case may be, may also require the Municipal Commissioner or the Municipality concerned to recover the compensation amount and the municipal recovery cost from each person liable therefor under sub-section (*4*) in such manner as he may direct.

(*6*) Where a Municipal Commissioner or a Municipality makes a default in imposing and levying any such tax or in making any such recovery, the State Government may direct the Collector to impose and levy such tax or to make such recovery.

(*7*) Every amount recoverable by the Collector or other authority under this section shall be recoverable as if it were an arrear of land revenue due by the person liable therefor.

(*8*) Out of the total amount recovered by the Municipal Commissioner or by a Municipality under sub-section (*5*) or (*7*), whether before or after the coming into operation of this Act, the proportionate amount of the municipal recovery cost shall be deducted therefrom and the amount not exceeding the compensation amount determined by the Chief Presidency Magistrate or the District Magistrate, as the case may be, under sub-section (*3*) shall be paid to him for the payment of compensation to the persons entitled thereto and the balance, if any, shall be credited to the municipal fund constituted under the relevant Municipal Act. Such amount shall be paid to the Chief Presidency Magistrate or the District Magistrate, as the case may be, every three months.

(*9*) It shall be lawful for the Chief Presidency Magistrate or the District Magistrate, as the case may be, by order, to exempt any persons from liability to pay any portion of the compensation amount.

(*10*) The State Government may, (*a*) on its own motion, or (*b*) on an application made by a person within a period of thirty days from the date of the order of the Chief Presidency Magistrate or a District Magistrate, as the case may be, granting or refusing to grant an exemption thereunder, set aside or modify such order.

Explanation.—In this section the expression "inhabitants" when used with reference to any disturbance area includes persons who themselves or by their agents or servants occupy or hold land or other immovable property within such area and landlords who themselves or by their agents or servants collect rent from holders or occupiers of land in such area, notwithstanding that they do not actually reside therein.

Chief Presidency Magistrate or District Magistrate to award or apportion compensation.

52. (*1*) It shall be lawful for the Chief Presidency Magistrate or the District Magistrate, as the case may be, to award or apportion all or any moneys recovered as compensation amount under sub-sections (*3*) to (*8*) of section 51 to any person or among all or any persons whom he considers entitled to compensation in respect of the loss or damage or death or grievous hurt aforesaid.

(*2*) No compensation shall be awarded under this section except upon a claim made within 45 days from the date of the notification issued by the State Government under sub-section (*1*) of section 51 and unless the Chief Presidency Magistrate or the District Magistrate, as the case may be, is satisfied that the person claiming compensation or where such claim is made in respect of the death of any person, that that person also has himself been free from blame in connection with the occurrences which led to the loss, damage, death or grievous hurt as aforesaid.

(*3*) The compensation payable to any person under section 51 in respect of death or grievous hurt shall not in any way be capable of being assigned or charged or be liable to attachment or to pass to any person other than the person entitled to it by operation of law, nor shall any claim be set off against the same.

(*4*) Every direction and order made by the Chief Presidency Magistrate or the District Magistrate, as the case may be, under this or the preceding section shall be subject to revision by the State Government, but save as aforesaid, shall be final.

(*5*) No civil suit shall be maintainable in respect of any loss or injury for which compensation has been granted under this section.

Chief Presidency Magistrate or District Magistrate to discharge functions under orders of State Government.

53. The Chief Presidency Magistrate or the District Magistrate, as the case may be, shall discharge his functions under sections 51 and 52 subject to any general or special orders of the State Government in this behalf.

Bom. LVII of 1947.

Proportionate recovery of the cost of additional Police and compensation for loss caused by unlawful assembly.

54. (*1*) Notwithstanding anything contained in the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947, where under the provisions of section 50 or 51, the Municipal Commissioner, the Municipality or the Collector, as the case may be, is required to recover the cost of the additional police including the additional sum referred to in sub-section (*3*) of section 50 (hereinafter called "the additional cost") or the compensation amount and the municipal recovery cost (hereinafter called "the riot tax") by an addition to the general or property tax, the landlord from whom any portion of the additional cost or the riot tax is recovered, in respect of any premises shall be entitled to recover 75 per cent. of such portion from the tenant in the occupation of the premises during the period fixed under sub-section (*1*) of section 50 or on the date or during the greater part of the period specified under clause (*b*) of sub-section (*1*) of section 51, as the case may be, in the manner specified in sub-section (*2*).

(*2*) The amount referred to in sub-section (*1*) and to be recovered from a tenant referred to therein shall bear the same proportion as the rent payable by him in respect of the premises in his occupation bears to the total amount of rent recoverable for the whole premises if let, and the same shall be recoverable from the tenant in not less than four equal instalments.

(*3*) The provisions of sub-section (*1*) in so far as they relate to the recovery of the riot tax from the tenants shall not apply to Greater Bombay during the period during which section 10B of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947, is in force in the said area. Bom. LVII of 1947.

II. Dispersal of Gangs and Removal of Persons convicted of certain offences.

Dispersal of gangs and bodies of persons.

55. Whenever it shall appear in Greater Bombay and in other areas in which a Commissioner is appointed under section 7 to the Commissioner and in a district to the District Magistrate, the Sub-Divisional Magistrate or the District Superintendent specially empowered by the State Government in that behalf, that the movement or encampment of any gang or body of persons in the area in his charge is causing or is calculated to cause danger or alarm or reasonable suspicion that unlawful designs are entertained by such gang or body or by members thereof, such officer may, by notification addressed to the persons appearing to be the leaders or chief men of such gang or body and published by beat of drum or otherwise as such officer thinks fit, direct the members of such gang or body so to conduct themselves as shall seem necessary in order to prevent violence and alarm, or disperse and each of them to remove himself outside the area within the local limits of his jurisdiction within such time as such officer shall prescribe, and not to enter the area or return to the place from which each of them was directed to remove himself.

Removal of persons about to commit offence

56. Whenever it shall appear in Greater Bombay and other areas for which a Commissioner has been appointed under section 7 to the Commissioner and in other area or areas to which the State Government may, by notification in the *Official Gazette*, extend the provisions of this section, to the District Magistrate, or the Sub-Divisional Magistrate specially empowered by the State Government in that behalf (*a*) that the movements or acts of any person are causing or calculated to cause alarm, danger or harm to person or property, or (*b*) that there are reasonable grounds for believing that such person is engaged or is about to be engaged in the commission of an offence involving force or violence or an offence punishable under Chapter XII, XVI or XVII of the Indian Penal Code, or in the abetment of any such offence, and when in the opinion of such officer witnesses are not willing to come forward to give evidence in public against such person by reason of apprehension on their part as regards the safety of their person or property, or (*c*) that an outbreak of epidemic disease is likely to result from the continued residence of an immigrant, the said officer may, by an order in writing duly served on him or by beat of drum or otherwise as he thinks fit, direct such person or immigrant so to conduct himself as shall seem necessary in order to prevent violence and alarm or the outbreak or spread of such disease or to remove himself outside the area within the local limits of his jurisdiction by such route and within such time as the said officer may prescribe and not to enter or return to the said area from which he was directed to remove himself. XLV of 1860.

57. If a person has been convicted—

(*a*) of an offence under Chapter XII, XVI or XVII of the Indian Penal Code, XLV of 1860. or

(*b*) twice of an offence under section 9 or 23 of the Bombay Beggars Act, 1945, Bom. XXIII of 1945. or under the Bombay Prevention of Prostitution Act, 1923, or

(*c*) thrice of an offence within a period of three years under section 4 or 12*A* of the Bombay Prevention of Gambling Act, 1887, or under the Bombay Prohibition Act, 1949. Bom. XI of 1923. Bom. IV of 1887. Bom. XXV of 1949.

Removal of persons convicted of certain offences.

the Commissioner, the District Magistrate or the Sub-Divisional Magistrate specially empowered by the State Government in this behalf, if he has reason to believe that such person is likely again to engage himself in the commission of an offence similar to that for which he was convicted, may direct such person to remove himself outside the area within the local limits of his jurisdiction, by such route and within such time as the said officer may prescribe and not to enter or return to the area from which he was directed to remove himself.

Explanation.—For the purpose of this section "an offence similar to that for which a person was convicted" shall mean—

(*i*) in the case of a person convicted of an offence mentioned in clause (*a*), an offence falling under any of the Chapters of the Indian Penal Code mentioned in that clause, and

(*ii*) in the case of a person convicted of an offence mentioned in clauses (*b*) and (*c*), an offence falling under the provisions of the Acts mentioned respectively in the said clauses.

58. A direction made under section 55, 56 or 57 not to enter any particular area shall be for such period as may be specified therein and shall in no case exceed a period of two years from the date on which it was made.

Period of operation of orders under sections 55, 56 and 57.

59. (*1*) Before an order under section 55, 56 or 57 is passed against any person the officer acting under any of the said sections or any officer above the rank of an Inspector authorised by that officer shall inform the person in writing of the general nature of the material allegations against him and give him a reasonable opportunity of tendering an explanation regarding them. If such person makes an application for the examination of any witness produced by him, the authority or officer concerned shall grant such application; and examine such witness, unless for reasons to be recorded in writing, the authority or officer is of opinion that such application is made for the purpose of vexation or delay. Any written statement put in by such person shall be filed with the record of the case. Such person shall be entitled to appear before the officer proceeding under this section by an advocate or attorney for the purpose of tendering his explanation and examining the witnesses produced by him.

Hearing to be given before order under section 55 56, or 57 is passed.

(*2*) The authority or officer proceeding under sub-section (*1*) may, for the purpose of securing the attendance of any person against whom any order is proposed to be made under section 55, 56 or 57, require such person to appear before him and to pass a security bond with or without sureties for such attendance during the inquiry. If the person fails to pass the security bond as required or fails to appear before the officer or authority during the inquiry, it shall be lawful to the officer or authority to proceed with the inquiry and thereupon such order as was proposed to to be passed against him may be passed.

Appeal.

60. Any person aggrieved by an order made under section 55, 56 or 57 may appeal to the State Government within thirty days from the date of such order.

Finality of orders passed by State Government in certain cases.

61. Any order passed under section 55, 56 or 57 or by the State Government under section 60 shall not be called in question in any Court except on the ground that the authority making the order or any officer authorised by it had not followed the procedure laid down in sub-section (*1*) of section 59 or that there was no material before the authority concerned upon which it could have based its order or on the ground that the said authority was not of opinion that witnesses were unwilling to come forward to give evidence in public against the person in respect of whom an order was made under section 56.

Procedure on failure of person to leave the area and his entry therein after removal.

62. If a person to whom a direction has been issued under section 55, 56 or 57 to remove himself from an area—

(*i*) fails to remove himself as directed,

or

(*ii*) having so removed himself, except with the permission in writing of the authority making the order, enters the area within the period specified in the order,

the authority concerned may cause him to be arrested and removed in police custody to such place outside the area as the said authority may in each case prescribe.

Temporary permission to enter or return to the area from which a person was directed to remove himself.

63. (*1*) The State Government may, by order, permit any person in respect of whom an order has been made under section 55, 56 or 57, to enter or return for a temporary period to the area from which he was directed to remove himself, subject to such conditions as it may by general or special order specify and which such person accepts and may, at any time, revoke any such permission.

(*2*) In permitting a person under sub-section (*1*) to enter or return to the area from which he was directed to remove himself, the State Government may require him to enter into bond with or without surety for the observance of the conditions imposed.

(*3*) Any person permitted under sub-section (*1*) to enter or return to the area from which he was directed to remove himself shall surrender himself at the time and place and to the authority specified in the order or in the order revoking the said order, as the case may be.

CHAPTER VI.

Executive powers and duties of the Police.

Duties of a Police officer.

64. It shall be the duty of every Police officer—

(*a*) promptly to serve every summons and obey and execute every warrant or other order lawfully issued to him by competent authority, and to endeavour by all lawful means to give effect to the lawful commands of his superior;

(*b*) to the best of his ability to obtain intelligence concerning the commission of cognizable offences or designs to commit such offences, and to lay such information and to take such other steps, consistent with law and with the orders of his superiors, as shall be best calculated to bring offenders to justice or to prevent the commission of cognizable, and within his view of non-cognizable offences;

(*c*) to prevent to the best of his ability the commission of public nuisances;

(*d*) to apprehend without unreasonable delay all persons whom he is legally authorised to apprehend and for whose apprehension there is sufficient reason;

(*e*) to aid another Police officer when called on by him or in case of need in the discharge of his duty, in such ways as would be lawful and reasonable on the part of the officer aided;

(*f*) to discharge such duties as are imposed upon him by any law for the time being in force.

Power to enter places of public resort.

65. (*1*) Every Police officer may, subject to the rules and orders made by the State Government or by a person lawfully authorized, enter for any of the purposes referred to in section 64 without a warrant, and inspect any place of public resort which he has reason to believe is used as drinking shop, or a shop for the sale of intoxicating drugs or a place of resort of loose and disorderly characters.

Power to search suspected persons in a street.

(*2*) When in a street or a place of public resort a person has possession or apparent possession of any article which a Police officer in good faith suspects to be stolen property, such Police officer may search for and examine the same and may require an account thereof, and, should the account given by the possessor be manifestly false or suspicious, may detain such article and report the facts to a Magistrate, who shall thereon proceed according to sections 523 and 525 of the Code of Criminal Procedure, 1898, or other law in force.

V of 1898.

Duties of Police officers towards the public.

66. It shall be the duty of every Police officer—

(*a*) to afford every assistance within his power to disabled or helpless persons in the streets, and to take charge of intoxicated persons and of lunatics at large who appear dangerous or incapable of taking care of themselves;

(*b*) to take prompt measures to procure necessary help for any person under arrest or in custody, who is wounded or sick, and whilst guarding or conducting any such person, to have due regard to his condition;

(*c*) to arrange for the proper sustenance and shelter of every person who is under arrest or in custody;

(*d*) in conducting searches, to refrain from needless rudeness and the causing of unnecessary annoyance;

(*e*) in dealing with women and children, to act with strict regard to decency and with reasonable gentleness;

(*f*) to use his best endeavours to prevent any loss or damage by fire;

(*g*) to use his best endeavours to avert any accident or danger to the public.

Police to regulate traffic, etc. in streets.

67. It shall be the duty of a Police officer—

(*a*) to regulate and control the traffic in the streets, to prevent obstructions therein and, to the best of his ability, to prevent the infraction of any rule or order made under this Act or any other law in force for observance by the public in or near the streets;

(*b*) to keep order in the streets and at and within public bathing, washing and landing places, fairs, temples and all other places of public resort and in the neighbourhood of places of public worship during the time of public worship;

(*c*) to regulate resort to public bathing, washing and landing places, to prevent overcrowding thereat and in public ferry-boats and, to the best of his ability, to prevent the infraction of any rule or order lawfully made for observance by the public at any such place or on any such boat.

Persons bound to conform to reasonable orders of Police.

68. All persons shall be bound to conform to the reasonable directions of a Police officer given in fulfilment of any of his duties under this Act.

Power of Police officer to restrain, remove, etc.

69. A Police officer may restrain or remove any person resisting or refusing or omitting to conform to any direction referred to in section 68 and may either take such person before a Magistrate or, in trivial cases, may release him when the occasion is past.

Enforcement of orders issued under section 37, 38 or 39.

70. Whenever a notification has been duly issued under section 37 or an order has been made under section 38 or 39, it shall be lawful for any Magistrate in a District or Police officer to require any person acting or about to act contrary thereto to desist or to abstain from so doing, and, in case of refusal or disobedience, to arrest the person offending. Such Magistrate or Police officer may also seize any object or thing used or about to be used in contravention of such notification, or order as aforesaid, and the thing seized shall be disposed of according to the order of any District Magistrate having jurisdiction at the place.

Duty of Police to see orders issued under section 43, 55, 56 or 57 are carried out.

71. It shall be the duty of the Police to see that every regulation and direction made by any authority under section 43, 55, 56 or 57 is duly obeyed, to warn persons who from ignorance fail to obey the same and to arrest any person who wilfully disobeys the same.

When Police officer may arrest without warrant.

72. Any Police officer may, without any order from a Magistrate and without a warrant, arrest—

(*1*) any person who has been concerned in an offence punishable under section 121 or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists, of his having been concerned in such offence;

(*2*) any person who contravenes a rule or order under clause (*x*) of sub-section (*1*) of section 33 or an order or notification under section 36, 37, 56 or 57;

(*3*) any person who commits an offence punishable under section 122 or section 126.

When Police may arrest without a warrant.

XI of 1890.

73. Any Police officer may, without an order from a Magistrate and without a warrant, arrest any person committing in his presence any offence punishable under section 3, 3A, 4, 5, 6 or 6C of the Prevention of Cruelty to Animals Act, 1890

Powers with regard to offences under Act XI of 1890.

XI of 1890.

74. When in respect of an animal an offence under section 3 or section 5 or sub-section (*1*) of section 6 of the Prevention of Cruelty to Animals Act, 1890, hereinafter in this section and in sections 75 and 77 referred to as the said Act has been committed, or, when there is a reasonable ground for suspecting that such offence has been committed, a Police officer may—

(*a*) take the animal to a Magistrate, or

(*b*) if the accused person so requires, take the animal to a veterinary officer, if any, empowered by the State Government in this behalf, or

(*c*) take the animal to an infirmary appointed under sub-section (*2*) of section 6 of the said Act for treatment and detention therein, pending direction of a Magistrate under sub-section (*3*) of the said section, or

(*d*) when the animal is in such a physical condition that it cannot be taken to a veterinary officer or a Magistrate, draw up a report of the condition of the animal in the presence of two or more respectable persons describing such wounds, sores, fractures, bruises, or other marks of injury as may be found on the body of the animal :

Provided that in cases falling under clause (*b*) or (*d*) the Police officer may direct that the animal shall be sent for detention in a dispensary or any suitable place approved by the State Government by general or special order and be there detained until its production before a Magistrate :

Provided further that an animal so detained shall be produced before a Magistrate with the least possible delay and within a period not exceeding three days from the date on which it was sent for detention and shall be handed over to its owner unless the Magistrate passes an order for its further detention in an infirmary.

Power of Magistrate to return animal to person from whose possession it was taken.

75. When an animal is brought before a Magistrate under section 74, the Magistrate may direct the animal to be returned to the person from whose possession it was taken, on such person giving security to the satisfaction of the Magistrate, binding himself to produce the animal when required, or may direct that the animal shall be sent for treatment and care to an infirmary and be there detained as provided in sub-section (*3*) of section 6 of the said Act or may make such order as he thinks fit regarding the disposal or custody and production of the animal.

Veterinary officer to examine the animal.

76. The veterinary officer before whom an animal is brought under section 74 shall with all convenient speed examine the same and draw up a report of such examination. A copy of the report shall be delivered free of charge to the accused person if he applies for it.

Animal to be dealt with under Act XI of 1890.

77. When under section 74 a Police officer directs that an animal shall be sent for detention in a dispensary or any suitable place before its production before a Magistrate or under section 74 a Magistrate directs that an animal shall be sent for treatment and care to an infirmary and be detained therein, the provisions of sub-sections (*5*), (*6*), (*7*) and (*8*) of section 6 of the said Act shall, so far as may be, apply.

Power of Police officer to unsaddle the animal or unload.

78. When a Police officer in good faith suspects that any animal being employed in any work or labour is, by reason of any sore, unfit to be so employed, he may require the person in charge of such animal to unsaddle or unload it for the purpose of ascertaining whether any sore exists and, if such person refuses to do so, may himself unsaddle or unload the animal or may cause the same to be unsaddled or unloaded.

When Police may arrest without warrant.

79. Any Police officer may, without an order from a Magistrate and without a warrant, arrest any person committing in his presence any offence punishable under section 122 or 125 or 130 or under section 117, clause (*i*) of section 135 or clause (*i*), (*iv*) or (*v*) of section 131 in respect of a contravention of a rule made under clause (*b*) of sub-section (*1*) of section 33 prohibiting the occupation of or sale or exposure for sale of any goods on any street or portion thereof so as to cause obstruction to traffic or inconvenience to the public or of any rule made under clause (*h*), (*r*) (*ii*) or (*u*) of sub-section (*1*) of section 33 or of a prohibition given under clause (*a*), (*b*) or (*c*) of sub-section (*1*) of section 37, clause (*i*) of section 100, section 106, 110, 112, 113 or clause (*a*) of section 115.

Other powers of arrest.

80. (*1*) Any Police officer specially empowered in this behalf by a competent authority may arrest without warrant for an offence specified in section 110.

(*2*) Any Police officer may, on the information of any person in possession or charge of any dwelling house, private premises, or land or ground attached thereto, arrest without warrant any person alleged to have committed therein or thereon an offence punishable under section 120.

Refusal to obey warning or to accompany Police.

81. A Police officer may arrest without warrant any person committing in his presence in any street or public place any non-cognizable offence punishable under this Act, or under any rule made thereunder and for which no express provision has been made elsewhere or under any other law for the time being in force, if such person—

(*i*) after being warned by a Police officer persists in committing such offence, or

(*ii*) refuses to accompany the Police officer to a Police Station on being required so to do.

Police to take charge of unclaimed property.

82. (*1*) The Police shall take temporary charge—

(*a*) of all unclaimed property found by, or made over to them, and also

(*b*) of all property found lying in any public street, if the owner or person in charge of such property on being directed to remove the same, refuses or omits to do so.

(*2*) In Greater Bombay the property of which the Police have taken charge under sub-section (*1*) shall be handed over to the Commissioner.

Intestate property over four hundred rupees in value.

83. (*1*) In Greater Bombay if any property of the nature referred to in section 82 appears to have been left by a person who has died intestate, and not to be under four hundred rupees in value, the Commissioner shall communicate with the Administrator General, with a view to its being dealt with under the provisions of the Administrator General's Act, 1913, or other law for the time being in force. III of 1913.

(2) In areas outside Greater Bombay the property shall be delivered to the police-patel, if any, of the town or village in which the same was found, and a receipt therefor taken from the police-patel, who shall forward such property to the Magistrate to whom such police-patel is subordinate. If in any such case there be no police-patel of such town or village, the Police shall forthwith report to such Magistrate as the Magistrate of the district shall, from time to time, appoint in this behalf, and act thereafter as the said first mentioned Magistrate shall direct.

Bom. VIII of 1867.

Intestate property over four hundred rupees in value.

84. If the property regarding which a report is made to a Magistrate under section 83 or under section 19 of the Bombay Village Police Act, 1867, appears to such Magistrate to have been left by a person who has died intestate and without known heirs and to be likely, if sold in public auction, to realise more than four hundred rupees net proceeds, he shall communicate with the District Judge with a view to its being dealt with under the provisions of section 10 of Bombay Regulation VIII of 1827 (a Regulation to provide for the formal recognition of heirs, etc.) or other law in force.

Procedure in other cases.

85. (1) In any case not covered by section 83 or 84 the Commissioner or the Magistrate concerned, as the case may be, shall issue a proclamation specifying the articles of which such property consists and requiring any person who may have a claim thereto to appear before himself or some other officer whom he appoints in this behalf and establish his claim within six months from the date of such proclamation.

Power to sell perishable property at once.

(2) If the property, or any part thereof, is subject to speedy and natural decay, or consists of live-stock, or if the property appears to be of less value than five rupees, it may be forthwith sold by auction under the orders of the Commissioner, or the Magistrate concerned, as the case may be, and the net proceeds of such sale shall be dealt with in the same manner as is hereinafter provided for the disposal of the said property.

Delivery of property to person entitled.

86. (1) The Commissioner or the Magistrate concerned, as the case may be, shall, on being satisfied of the title of any claimant to the possession or administration of the property specified in the proclamation issued under sub-section (1) of section 85, order the same to be delivered to him, after deduction or payment of the expenses properly incurred by the Police in the seizure and detention thereof.

Power to take security.

(2) The Commissioner or the Magistrate concerned, as the case may be, may, at his discretion, before making any order under sub-section (1), take such security as he may think proper from the person to whom the said property is to be delivered, and nothing hereinbefore contained shall affect the right of any person to recover the whole or any part of the same from the person to whom it may have been delivered pursuant to such order.

In default of claim, property to be at disposal of State Government.

87. If no person establishes his claim to such property within the period specified in the proclamation it shall be at the disposal of the State Government, and the property, or such part thereof as has not already been sold under sub-section (2) of section 85, may be sold by auction under the orders of the Commissioner, or the Magistrate concerned, as the case may be.

Procedure not affected by Indian Succession Act or Administrator General's Act or Regulation VIII of 1827.

88. Nothing in the Indian Succession Act, 1925, or in the Administrator General's Act, 1913, shall apply to intestate property which is dealt with by the Commissioner, under sub-section (*1*) of section 85, nor shall the provisions of section 10 of Regulation VIII of 1827 likewise be deemed to apply to intestate property which is dealt with by a Magistrate under sub-section (*1*) of section 85. XXXIX of 1925. III of 1913.

Police officer may take charge of stray cattle.

89. In any area outside Greater Bombay, a Police officer may take charge of any animal falling under the provisions of the Cattle Trespass Act, 1871, which may be found straying in a street, and may take or send the same to the nearest pound, and the owner and other persons concerned shall thereon become subject to the provisions of the said Act. I of 1871.

Power to establish cattle-pounds and appoint pound-keepers.

90. (*1*) In Greater Bombay, the Commissioner and in other areas to which the State Government may by notification in the *Official Gazette* extend the provisions of this section and sections 91, 92, 93 and 94 of this Act, any officer appointed in that behalf by the State Government shall, from time to time, appoint such places as he thinks fit to be public pounds, and may appoint to be keepers of such pounds Police officers of such rank as may be approved by the State Government.

(*2*) Every pound-keeper so appointed shall, in the performance of his duties, be subject to the direction and control of the Commissioner, or such officer as aforesaid.

Impounding of cattle.

91. It shall be the duty of every Police officer, and it shall be lawful for any other person, to seize and take to any such public pound for confinement therein, any cattle found straying in any street or trespassing upon any private or public property in Greater Bombay or in such areas as aforesaid.

Delivery of cattle claimed.

92. If the owner of the cattle impounded under section 91 or his agent appears and claims the cattle, the pound-keeper shall deliver them to him on payment of the pound-fees and expenses chargeable in respect of such cattle under section 94.

Sale of cattle not claimed.

93. (*1*) If within ten days after an animal has been impounded no person appearing to be the owner of such animal offers to pay the pound-fee and expenses chargeable under section 94, such animal shall be forthwith sold by auction, and the surplus remaining after deducting the fee and expenses aforesaid from the proceeds of the sale shall be paid to any person who, within fifteen days after the sale, proves to the satisfaction of such officer as the Commissioner authorises in this behalf or any other officer appointed under section 90 that he was the owner of such animal, and shall, in any other case, form part of the consolidated fund of the State.

(*2*) No Police officer or pound-keeper shall, directly or indirectly, purchase any cattle at a sale under sub-section (*1*).

Rate to be fixed by notification.

94. (*1*) The pound-fee chargeable shall be such as the State Government may from time to time by notification in the *Official Gazette*, specify for each kind of animal for the whole State or for such area as may be specified in the notification.

(2) The expenses chargeable shall be at such rates for each day during any part of which an animal is impounded, as shall from time to time be fixed by the Commissioner or any officer appointed as aforesaid in respect of such animal.

Powers as to inspection, search and seizure of false weights and measures.

95. (1) Notwithstanding anything contained in section 153 of the Code of Criminal Procedure, 1898, any Police officer generally or specially deputed, in Greater Bombay, by the Commissioner and elsewhere, by the District Superintendent or any other officer specially empowered in that behalf by the State Government, may without warrant enter any shop or premises for the purpose of inspecting or searching for any weights or measures or instruments for weighing or measuring used or kept therein.

V of 1898.

(2) If he finds in such shop or premises weights, measures or instruments for weighing or measuring which he has reason to believe are false, he may seize the same and shall forthwith give information of such seizure to the Magistrate having jurisdiction, and if such weights, measures or instruments shall be found by the Magistrate to be false, they shall be destroyed.

(3) Weights and measures purporting to be of the same denomination as weights and measures, the standards whereof are kept under any law from time to time in force shall, if they do not correspond with the said standards, be deemed to be false within the meaning of this section.

Procedure to be followed by officers and Magistrates in certain cases.

96. (1) Notwithstanding anything contained in sections 129, 130, sub-section (2) of section 167, and section 173 of the Code of Criminal Procedure, 1898—

V of 1898.

(i) the powers and duties of a Magistrate under sections 129 and 130 of that Code may, in Greater Bombay, be exercised and performed by the Commissioner,

(ii) the Presidency Magistrate in Greater Bombay to whom an accused person is forwarded under sub-section (2) of section 167 of the Code, may, whether he has or has not jurisdiction to try the case, from time to time, authorise the detention of the accused in such custody as such Magistrate thinks fit for a term not exceeding fifteen days at a time,

(iii) the officer in charge of the Police station shall forward his report under section 173 of the Code to the Commissioner or such other officer as the Commissioner may direct in that behalf.

(2) Nothing contained in section 62 of the Code of Criminal Procedure, 1898, shall operate to require any officer in charge of a Police Station in Greater Bombay to submit any report provided for by that section to any Magistrate.

V of 1898.

V of 1898.

(3) Sections 127 and 128 of the Code of Criminal Procedure, 1898, in their application to Greater Bombay shall be amended as follows:—

(a) in section 127, for the words "police station" the words "section or any police officer not below the rank of a sub-inspector authorised by the State Government in this behalf" shall be substituted;

(b) in section 128, for the words "police station whether within or without the presidency-towns" the words and figures "section or any police officer authorised under section 127" shall be substituted.

A superior Police Officer may himself perform duties imposed on his inferior, etc.

97. A Police officer of rank superior to that of constable may perform any duty assigned by law or by a lawful order to any officer subordinate to him ; and in case of any duty imposed on such subordinate, a superior where it shall appear to him necessary, may aid, supplement, supersede or prevent any action of such subordinate by his own action or that of any person lawfully acting under his command or authority, whenever the same shall appear necessary or expedient for giving more complete or convenient effect to the law or for avoiding an infringement thereof.

Emergency duties of Police.

98. (*1*) The State Government may, by notification in the *Official Gazette*, declare any specified service to be an essential service to the community :

Provided that such notification shall remain in force for one month in the first instance, but may be extended, from time to time, by a like notification.

(*2*) Upon a declaration being made under sub-section (*1*) and so long as it remains in force, it shall be the duty of every Police officer to obey any order given by any superior officer in relation to employment upon or in connection with the service specified in the declaration ; and every such order shall be deemed to be a lawful order within the meaning and for the purposes of this Act.

CHAPTER VII.

Offences and Punishments.

Disregarding the rule of the road.

99. No person shall—

(*a*) when driving a vehicle along a street and except in cases of actual necessity or of some sufficient reason, for deviation, fail to keep, on the left side of such street and when passing any other vehicle proceeding in the same direction fail to keep on the right side of such vehicle ; or

Leaving cattle, etc., insufficiently tended.

(*b*) leave in any street or public place insufficiently tended or secured any animal or vehicle.

Causing obstruction or mischief by animal.

100. No person shall cause obstruction, damage, injury, danger, alarm or mischief in any street or public place,—

(*i*) by any misbehaviour, negligence or ill-usage in the driving, management, treatment or care of any animal or vehicle ; or

(*ii*) by driving any vehicle or animal laden with timber, poles, or other unwieldy articles through a street or public place contrary to any regulation made in that behalf and published by a competent authority.

Exposing animal for hire or sale etc.

101. No person shall in any street or public place expose for hire or sale any animal or vehicle, clean any furniture or vehicle, or clean or groom any horse or other animal, except at such times and places as a competent authority permits, or shall train or break in any horse or other animal or make any vehicle or any part of a vehicle, or except when in the case of an accident repairing on the spot is unavoidable, repair any vehicle or part of a vehicle or carry on therein any manufacture or operation so as to be a serious impediment to traffic or a serious annoyance to residents or to the public.

102. No person shall cause obstruction in any street or public place by allowing any animal or vehicle which has to be loaded or unloaded, or to take up or set down passengers, to remain or stand therein longer than may be necessary for such purpose, or by leaving any vehicle standing or fastening any cattle therein, or using any part of a street or public place as a halting place for vehicles or cattle, or by leaving any box, bale, package or other thing whatsoever in or upon a street for an unreasonable length of time or contrary to any regulation made and published by a competent authority by exposing anything for sale or setting out anything for sale in or upon any stall, booth, board, cask, basket or in any other way whatsoever.. Causing any obstruction in a street.

103. No person shall drive, ride, lead, propel or leave on any footway any animal or vehicle other than a perambulator or fasten any animal so that the same can stand across or upon such footway. Obstructing a footway.

104. No person shall exhibit, contrary to any regulation made and notified by the Commissioner or a District Magistrate, as the case may be, any mimetic, musical or other performances of a nature to attract crowds, or carry or place bulky advertisements, pictures, figures or emblems in any street or public place whereby an obstruction to passengers or annoyance to the inhabitants may be occasioned. Exhibiting mimetic, musical or other performances, etc.

105. No person shall slaughter any animal, clean a carcass or hide, or bathe or wash his person in or near to and within sight of a street or public place (except at a place set apart for the purpose by order of a competent authority) so as to cause annoyance to the neighbouring residents or to passers by. Doing offensive acts on or near street or public place.

106. No person shall in any street or public place (A) negligently let loose any horse or other animal, so as to cause danger, injury, alarm or annoyance, or suffer a ferocious dog to be at large without a muzzle, or (B) set on or urge a dog or other animal to attack, worry or put in fear any person or horse or other animal. Letting loose horse etc. and suffering ferocious dogs to be at large.

107. No person shall bathe or wash in or by the side of a public well, tank, or reservoir not set apart for such purpose by order of a competent authority, or in or by the side of any pond, pool, aqueduct, part of a river, stream, nala or other source or means of water-supply in which such bathing or washing is forbidden by order of the competent authority. Bathing or washing in places not set apart for those purposes.

108. No person shall defile or cause to be defiled, the water in any public well, tank, reservoir, pond, pool, aqueduct or part of a river, stream, nala or other source or means of water-supply, so as to render the same less fit for any purpose for which it is set apart by the order of the competent authority. Defiling water in public wells, etc.

109. No person shall obstruct or incommode a person bathing at a place set apart for the purpose by the order of the competent authority under section 107 by wilful intrusion or by using such place for any purpose for which it is not so set apart. Obstructing bathers.

Behaving indecently in public.

110. No person shall wilfully and indecently expose his person in any street or public place or within sight of, and in such manner as to be seen from, any street or public place, whether from within any house or building or not, or use indecent language or behave indecently or riotously or in a disorderly manner in a street or place of public resort or in any office, station or station house.

Obstructing or annoying passengers in the street.

111. No person shall wilfully push, press, hustle or obstruct any passenger in a street or public place or by violent movements, menacing gestures, wanton personal annoyance, screaming, shouting, wilfully frightening horses or cattle or otherwise disturb the public peace or order.

Misbehaviour with intent to provoke a breach of the peace.

112. No person shall use in any street or public place any threatening, abusive or insulting words or behaviour with intent to provoke a breach of the peace or whereby a breach of the peace may be occasioned.

Prohibition against flying kite.

113. No person shall fly a kite so as to cause danger, injury or alarm to persons, houses or property.

Begging and exposing offensive ailments.

114. No person shall beg importunately for alms or direct or permit children under his control to beg for alms, or expose or exhibit, with the object of exciting charity, any deformity or disease or any offensive sore or wound, in, or near to, and within sight of, any street.

Committing nuisance in or near street, etc.

115. No person shall in or near to any street, public place or place of public resort—

(*a*) commit a nuisance by easing himself, or

(*b*) having the care or custody of any child under seven years of age suffer such child to commit a nuisance as aforesaid.

Disregard of notice in public building.

116. No person shall, in any Court, Police Station, Police office, building occupied by Government or building occupied by any public body, smoke or spit in contravention of a notice by a competent authority in charge of such place and affixed to such Court, Station, office or building.

Penalties for offenders under sections 99 to 116.

117. Any person who contravenes any of the provisions of sections 99 to 116 (both inclusive) shall, on conviction, be punished with fine which may extend to fifty rupees.

Penalty for failure to keep in confinement cattle, etc.

118. (*1*) In any local area in which the State Government by notification in the *Official Gazette* brings this section into force, whoever through neglect or otherwise fails to keep in confinement or under restraint between one hour after sunset and sunrise any cattle which are his property or in his charge shall, on conviction, be punished with fine which may extend to one hundred rupees or on a second or any subsequent conviction, with fine which may extend to five hundred rupees or with imprisonment which may extend to six months or with both.

Explanation.—Cattle shall not be deemed to be kept in confinement within the meaning of this sub-section unless they are effectively confined within a fence, wall or other enclosure and shall not be deemed to be kept under restraint within the meaning of this sub-section unless they are restrained by means of a rope or other attachment.

(2) Any person may seize any cattle not being kept in confinement or under restraint as required by this section and may take or send the same to the nearest cattle-pound, and the owner and other persons concerned shall thereon become subject to the provisions of the Cattle Trespass Act, 1871. All officers of Police and all police patels and all members of the village police shall, when required, aid in preventing resistance to such seizures and rescues from persons making such seizures.

1 of 1871

(3) Any fine imposed under this section, may without prejudice to any other means of recovery provided by law, be recovered by sale of all or any of the cattle in respect of which the offence was committed, whether they are the property of the person convicted of the offence or were only in his charge when the offence was committed.

Punishment for cruelty to animals.

119. Whoever in any place outside Greater Bombay cruelly beats, goads, overworks, ill-treats or tortures or causes or procures to be cruelly beaten, goaded, over-worked, ill-treated or tortured any animal, shall, on conviction, be punished with imprisonment which may extend to one month or with fine which may extend to one hundred rupees, or with both.

Wilful trespass.

120. Whoever without satisfactory excuse wilfully enters or remains in or upon any dwelling-house or premises or any land or ground attached thereto, or on any ground, building, monument or structure belonging to Government or appropriated to public purposes, or on any boat or vessel, shall, on conviction, whether he causes any actual damage or not, be punished with fine which may extend to twenty rupees.

False alarm of fire or damage to fire-alarm.

121. Whoever knowingly gives or causes to be given a false alarm of fire to the fire brigade of a municipality or corporation or to any officer or fireman thereof whether by means of a street fire-alarm, statement, message or otherwise, or, with intent to give such false alarm, wilfully breaks the glass of, or otherwise damages a street fire-alarm, shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one hundred rupees or with both.

Being found under suspicious circumstances between sunset and sunrise.

122. Whoever is found between sunset and sunrise—

(*a*) armed with any dangerous instrument with intent to commit an offence, or

(*b*) having his face covered, or otherwise disguised, with intent to commit an offence, or

(*c*) in any dwelling-house or other building, or on board any vessel or boat without being able satisfactorily to account for his presence there, or

(*d*) lying or loitering in any street, yard or other place, being a reputed thief and without being able to give a satisfactory account of himself, or

(*e*) having in his possession without lawful excuse (the burden of proving which excuse shall be on such person) any implement of house-breaking, shall, on conviction, be punished with imprisonment for a term which may extend to three months.

Carrying weapon without authority.

123. Whoever not being a member of the armed forces of the Union and acting as such or a Police officer, goes armed with any sword, spear, bludgeon, gun or other offensive weapon or with any explosive or corrosive substance in any street or public place unless so authorised by lawful authority, shall be liable to be disarmed by any Police officer, and the weapon or substance so seized shall be forfeited to the State Government, unless redeemed within two months by payment of such fine not exceeding five hundred rupees as the Commissioner or the District Magistrate in areas under their respective charges imposes.

Possession of property of which no satisfactory account can be given.

124. Whoever has in his possession or conveys in any manner, or offers for sale or pawn, anything which there is reason to believe is stolen property or property fraudulently obtained, shall, if he fails to account for such possession or to act to the satisfaction of the Magistrate, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one hundred rupees or with both.

Taking spirits into public hospital

125. Whoever—

(*a*) takes or introduces, or attempts to take or introduce, any spirits or spirituous or fermented liquors or intoxicating drugs or preparations into any public hospital without the permission of a medical officer of such hospital, or

or into barracks or on boards of vessels of war.

(*b*) not being amenable to the Articles of War takes or introduces, or attempts to take or introduce, any such spirits, liquors, drugs or preparations not belonging to any person above the rank of a non-commissioned officer,

(*i*) into the barracks or buildings occupied by the troops composing the Garrison of Bombay or into any military barracks, guard-rooms or encampments, or

(*ii*) on board or alongside of any vessel of war belonging to Government,

shall, on conviction, be punished with imprisonment for a term which may extend to two months, or with fine which may extend to one hundred rupees, or with both and such spirits, liquor, drugs or preparations and the vessels containing the same, shall be forfeited to the State Government.

Omission by pawn-brokers etc. to report to Police possession or tender of property suspected to be stolen.

126. Whoever, being a pawn-broker, dealer in second-hand property, or worker in metals, or reasonably believed by the Commissioner, or District Superintendent in the areas under their respective charges to be such a person, and having received from a Police officer written or printed information that the possession of any property suspected to have been transferred by any offence mentioned in section 410 of the Indian Penal Code, or by any offence punishable under section 417, 418, 419 or 420 of the said Code, is found in possession or thereafter comes into the possession, or has an offer either by way of sale, pawn, exchange, or for custody, alteration or otherwise howsoever, made to him, of property answering the description contained in such information, shall, unless— XLV of 1860.

(*i*) he forthwith gives information to the Commissioner, or the District Superintendent, as the case may be, or at a Police station of such possession or offer and takes all reasonable means to ascertain and to give information as aforesaid of the name and address of the person from whom the possession or offer was received, or

(*ii*) the property being, as an article of common wearing apparel or otherwise, incapable of identification from the written or printed information given, has been in no way concealed after the receipt of such information,

on conviction, be punished with fine which may extend to fifty rupees in respect of each such article of property so in his possession or offered to him.

Melting, etc., of such property.

127. Whoever, having received such information as is referred to in section 126, alters, melts, defaces or puts away or causes or suffers to be altered, melted, defaced or put away without the previous permission of the Police any such property, shall, on proof that the same was stolen property within the meaning of section 410 of the Indian Penal Code, or property in respect of which any offence punishable under section 417, 418, 419 or 420 of the said Code has been committed, be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

XLV of 1860.

Taking pledge from child.

128. Whoever takes from any child not appearing to be above the age of fourteen years any article whatsoever as a pawn, pledge or security for any sum of money lent, advanced or delivered to such child, or without the knowledge and consent of the owner of the article buys from such child any article whatsoever, shall, on conviction, be punished with fine which may extend to one hundred rupees.

Permission of disorderly conduct at places of public amusement, etc.

129. Whoever, being the keeper of any place of public amusement or entertainment, knowingly permits drunkenness or other disorderly behaviour or any gaming whatsoever, in such place, shall, on conviction, be punished with a fine which may extend to one hundred rupees.

Cheating at games.

130. Whoever, by any fraud or unlawful device or malpractice in playing at or with cards, dice or other game, or in taking a part in the stakes or wagers, or in betting on the sides or hands of the players, or in wagering on the event of any game, sport, pastime or exercise, wins from any other person, for himself or any other or others, any sum of money or valuable thing, shall be deemed guilty of cheating within the meaning of section 415 of the Indian Penal Code, and be liable to punishment accordingly.

XLV of 1860.

Penalty for contravening rules, etc., under section 33.

131. (*a*) Whoever contravenes any rule or order made under section 33 or contravenes any of the conditions of a licence issued under any such rule or order, or,

(*b*) abets the commission of any offence under clause (*a*), shall, on conviction, be punished—

(*i*) if the rule or order under which the said licence was issued was made under clause (*d*), (*g*), (*h*), (*i*), sub-clauses (*i*) and (*ii*) of clause (*r*) or clause (*u*) of sub-section (*1*) of section 33, with imprisonment for a term which may extend to eight days or with fine which may extend to fifty rupees or with both ;

(*ii*) if the rule or order contravened was made under clause (*x*) of sub-section (*1*) of section 33, with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both ;

(*iii*) if the rule or order contravened or the rule or order under which the said licence was issued was made under clauses (*n*) and (*o*) of sub-section (*1*) of section 33 with fine which may extend to two hundred rupees ;

(*iv*) if the rule or order contravened was made under clause (*b*) of sub-section (*1*) of section 33 and prohibits the sale or exposure for sale of any goods on any street or portion thereof so as to cause obstruction to traffic or incovenience to the public—

(*a*) for the first offence, with imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees or with both, and

(*b*) for a subsequent offence, with imprisonment for a term which may extend to six months and with fine which may extend to five hundred rupees ; and

(*v*) if the rule or order contravened or the rule or order under which the said licence was issued was made under any other clause, with fine which may extend to fifty rupees.

Penalty for disobedience to order under section 31.

132. Whoever contravenes, disobeys, opposes, or fails to conform to an order under section 31 requiring him to vacate any premises, shall, on conviction, be punished with imprisonment which may extend to three months or with fine which may extend to five hundred rupees or with both.

Penalty for contravening rules, etc., under section 35.

133. Whoever contravenes any rule made under section 35 shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to two hundred rupees or with both.

Penalty for contravention of rule etc., under section 36.

134. Whoever contravenes, disobeys, opposes or fails to conform to any order given by a Police officer under section 36 shall, on conviction, be punished with fine which may extend to two hundred rupees.

Penalty for contravention of rules or directions under section 37, 39 or 40.

135. Whoever disobeys an order lawfully made under section 37, 39 or 40 or abets the disobedience thereof shall, on conviction, be punished—

(*i*) if the order disobeyed or of which the disobedience was abetted was made under sub-section (*1*) of section 37 or under section 39, or section 40, with imprisonment for a term which may extend to one year but shall not except for reasons to be recorded in writing, be less than four months and shall also be liable to fine, and

(*ii*) if the said order was made under sub-section (*2*) of section 37, with imprisonment for a term which may extend to one month or with fine which may extend to one hundred rupees, and

(*iii*) if the said order was made under sub-section (*3*) of section 37, with fine which may extend to one hundred rupees.

Penalty for contravening rules, etc., made under section 38.

136. Whoever disobeys any direction lawfully made under section 38 or abets the disobedience thereof, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

137. Whoever opposes or fails to conform to any direction given by the Police under section 41 shall, on conviction, be punished with fine which may extend to two hundred rupees. Penalty for contravening rules, etc., made under section 41.

138. Whoever fails to comply with an order made under section 42 shall, on conviction, be punished with fine which may extend to twenty-five rupees for every day that such order continues to be disobeyed by him. Penalty for failure to comply with order under section 42.

139. Whoever contravenes or abets the contravention of any regulation made under section 43 shall, on conviction, be punished with imprisonment which may extend to three months or with fine which may extend to two hundred rupees, or with both. Penalty for contravention of a regulation made under section 43.

140. Whoever opposes or fails to conform to any direction given by the Police under section 68 or abets the opposition or failure to do so shall, on conviction, be punished with fine which may extend to fifty rupees. Penalty for contravening directions under section 68.

141. Whoever opposes or disobeys or fails to conform to any direction issued under section 55, 56 or 57 or abets opposition to or disobedience of any such direction shall, on conviction, be punished with imprisonment which may extend to one year but shall not, except for reasons to be recorded in writing, be less than four months, and shall also be liable to fine. Penalty for contravention of directions under section 55, 56 or 57.

142. Notwithstanding anything contained in section 62 any person who, in contravention of a direction issued to him under section 55, 56 or 57 enters the area from which he was directed to remove himself shall, on conviction, be punished with imprisonment for a term which may extend to two years, but shall not, except for reasons to be recorded in writing, be less than six months, and shall also be liable to fine. Penalty for entering area from which person has been directed to remove himself.

143. Whoever fails without sufficient cause to surrender in accordance with sub-section (*3*) of section 63 shall, on conviction, be punished with imprisonment which may extend to two years and shall also be liable to fine. Penalty for failure to surrender in accordance with sub-section (*3*) of section 63.

144. Any person who having been appointed a Special Police officer under section 21 shall, without sufficient cause, neglect or refuse to serve as such or to obey any lawful order or direction that may be given to him for the performance of his duties, shall, on conviction, be punished with fine which may extend to fifty rupees. Neglect or refusal to serve as Special Police officer.

145. (*1*) Any person who makes a false statement or uses a false document for the purpose of obtaining employment or release from employment as a Police officer, or Penalty for making false statement, etc., and for misconduct of Police officers.

(*2*) any Police officer who (*a*) is guilty of cowardice, or (*b*) resigns his office or withdraws himself from duties thereof in contravention of section 29, or (*c*) is guilty of any wilful breach or neglect of any provision of law or of any rule or order which as such Police officer, it is his duty to observe or obey, or (*d*) is guilty of any violation of duty for which no punishment is expressly provided by any other law in force,

shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

Consequence of failure to return to duty after leave.

(3) A Police officer who being absent on leave fails, without reasonable cause, to report himself for duty on the expiration of such leave shall, for the purpose of clause (b) of sub-section (2), be deemed to withdraw himself from the duties of his office within the meaning of section 29.

Penalty for failure to deliver up certificate of appointment or of office or other article.

146. Any Police officer, who wilfully neglects or refuses to deliver up his certificate of appointment or of office or any other article, in accordance with the provision of sub-section (1) of section 30, shall, on conviction, be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

Vexatious entry, search, arrest, etc., by Police officer.

147. Any Police officer who—

(a) without lawful authority or reasonable cause enters or searches, or causes to be entered or searched, any building, vessel, tent or place ;

(b) vexatiously and unnecessarily seizes the property of any person ;

(c) vexatiously and unnecessarily detains, searches or arrests any person ;

(d) offers any unnecessary personal violence to any person in his custody, or

(e) holds out any threat or promise not warranted by law,

shall for every such offence, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, or with both.

Penalty for vexatious delay in forwarding a person arrested.

148. Any Police officer who vexatiously and unnecessarily delays forwarding any person arrested to a Magistrate or to any other authority to whom he is legally bound to forward such person, shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, or with both.

Penalty for opposing or not complying with direction given under section 70.

149. Whoever opposes or fails forthwith to comply with any reasonable direction given by a Magistrate or a Police officer under section 70 or abets opposition thereto or failure to comply therewith, shall, *on conviction*, be punished with imprisonment for a term which may extend to one year but shall not except for reasons to be recorded in writing be less than four months and shall also be liable to fine.

Jurisdiction when offender is a Police officer above the rank of constable.

150. Offences against this Act, when the accused person or any one of the accused persons is a Police officer above the rank of a constable, shall not be cognizable except by a Presidency Magistrate or a Magistrate not lower than a second class Magistrate.

Prosecution for certain offences against the Act to be in the discretion of the Police.

151. It will not, except in obedience to a rule or order made by the State Government or by the competent authority, be incumbent on the Police to prosecute for an offence punishable under section 117, 119, 131, 134, 137, 139, 140 or 144 when such offence has not occasioned serious mischief and has been promptly desisted from on warning given.

152. Nothing in this Act shall be construed to prevent any person from being prosecuted and punished under any other enactment for any offence made punishable by this Act or from being prosecuted and punished under this Act for an offence punishable under any other enactment : Prosecution for Offences under other enactments not affected.

V of 1898. Provided that all such cases shall be subject to the provisions of section 403 of the Code of Criminal Procedure, *1898*.

CHAPTER VIII.

Miscellaneous.

153. All fees paid for licences or written permissions issued under this Act, and all sums paid for the service of processes by Police officers, and all rewards, forfeitures and penalties or shares thereof which are by law payable to Police officers as informers, shall, save in so far as any such fees or sums belong under the provisions of any enactment in force to any local authority, be credited to the State Government : Disposal of fees, rewards, etc.

Provided that with the sanction of the State Government, or under any rule made by the State Government in that behalf, the whole or any portion of any such reward, forfeiture or penalty may, for special services, be paid to a Police officer, or be divided amongst two or more Police officers.

154. No municipal or other local rates shall be payable by the State Government on account of the occupation or use of any house or place in any area other than Greater Bombay by members of the Police Force for the convenient performance of their duties. No municipal or other rates to be payable by State Government on Police-buildings.

155. Any order or notification published or issued by the State Government or by a Magistrate or officer under any provision of this Act, and the due publication or issue thereof, may be proved by the production of a copy thereof in the *Official Gazette*, or of a copy thereof signed by such Magistrate or officer, and by him certified to be a true copy of an original published or issued according to the provisions of the section of this Act applicable thereto. Method of proving orders and notifications.

156. No rule, order, direction, adjudication, inquiry or notification made or published, and no act done under any provision of this Act or of any rule made under this Act, or in substantial conformity to the same, shall be deemed illegal, void, invalid or insufficient by reason of any defect of form or any irregularity of procedure. Rules and orders not invalidated by defect of form or irregularity in procedure.

157. Notwithstanding anything contained in any law for the time being in force, in a prosecution for an offence for the contravention of a direction issued under section 55, 56 or 57 on the production of an authentic copy of the order, it shall, until the contrary is proved and the burden of proving which shall lie on the accused, be presumed— Presumption in prosecutions for contravention of directions issued under section 55, 56, or 57.

(*a*) that the order was made by the authority competent under this Act to make it;

(*b*) that the authority making the order was satisfied that the grounds on or the purpose for which it was made existed, and that it was necessary to make the same ; and

(*c*) that the order was otherwise valid and in conformity with the provisions of this Act.

Forfeiture of bond entered into by person permitted to enter or return to the area from which he was directed to remove himself.

158. If any person permitted under sub-section (*1*) of section 63 fails to observe any condition imposed under the said sub-section or in the bond entered into by him under sub-section (*2*) of the said section his bond shall be forfeited and any person bound thereby shall pay the penalty thereof or show cause to the satisfaction of the Court why such penalty should not be paid.

No Magistrate or Police officer to be liable to penalty or damage for act done in good faith in pursuance of duty.

159. No Magistrate or Police officer shall be liable to any penalty or to payment of damages on account of an act done in good faith, in pursuance or intended pursuance of any duty imposed or any authority conferred on him by any provision of this Act or any other law for the time being in force or any rule, order or direction made or given therein.

No public servant liable as aforesaid for giving effect in good faith to any rule, order or direction issued with apparent authority.

160. No public servant or person duly appointed or authorised shall be liable to any penalty or to payment of any damages for giving effect in good faith to any such order or direction issued with apparent authority by the State Government or by a person empowered in that behalf under this Act or any rule, order or direction made or given thereunder.

Suits or prosecutions in respect of acts done under colour of duty as aforesaid not to be entertained, or to be dismissed, if not instituted within six months.

161. (*1*) In any case of alleged offence by the Commissioner, a Magistrate, Police officer or other person, or of a wrong alleged to have been done by such Commissioner, Magistrate, Police officer or other person, by any act done under colour or in excess of any such duty or authority as aforesaid, or wherein it shall appear to the Court that the offence or wrong if committed or done was of the character aforesaid, the prosecution or suit shall not be entertained, or shall be dismissed, if instituted, more than six months after the date of the act complained of.

In suits as aforesaid one month's notice of suit to be given with sufficient description of wrong complained of.

(*2*) In the case of an intended suit on account of such a wrong as aforesaid, the person intending to sue shall be bound to give to the alleged wrong-doer one month's notice at least of the intended suit with a sufficient description of the wrong complained of, failing which such suit shall be dismissed.

(3) The plaint shall set forth that a notice as aforesaid has been served on the defendant and the date of such service, and shall state whether any, and if any, what tender of amends has been made by the defendant. A copy of the said notice shall be annexed to the plaint endorsed or accompanied with a declaration by the plaintiff of the time and manner of service thereof. Plaint to set forth service of notice and tender of amends.

162. (1) Any licence or written permission granted under the provisions of this Act shall specify the period and locality for which, and the conditions and restrictions subject to which, the same is granted, and shall be given under the signature of the competent authority and such fee shall be charged therefor as is prescribed by any rule under this Act in that behalf. Licences and written permissions to specify conditions, etc., and to be signed.

(2) Any licence or written permission granted under this Act may at any time be suspended or revoked by the competent authority, if any of its conditions or restrictions is infringed or evaded by the person to whom it has been granted, or if such person is convicted of any offence in any matter to which such licence or permission relates. Revocation of licences, etc.

(3) When any such licence or written permission is suspended or revoked, or when the period for which the same was granted has expired, the person to whom the same was granted shall, for all purposes of this Act, be deemed to be without a licence or written permission, until the order for suspending or revoking the same is cancelled, or until the same is renewed, as the case may be. When licence revoked, etc. grantee to be deemed without licence.

(4) Every person to whom any such licence or written permission has been granted, shall, while the same remains in force, at all reasonable time, produce the same, if so required by a Police officer. Grantee to produce licence, etc., when required.

Explanation.—For the purpose of this section any such infringement or evasion by, or conviction of, a servant or other agent acting on behalf of the person to whom the licence or written permission has been granted shall be deemed to be infringement or evasion by, or as the case may be, conviction of, the person to whom such licence or written permission has been granted.

163. Any public notice required to be given under any of the provisions of this Act shall be in writing under the signature of a competent authority and shall be published in the locality to be affected thereby, by affixing copies thereof in conspicuous public places, or by proclaiming the same with beat of drums, or by advertising the same in such local newspapers,—English or regional language or Hindi,—as the said authority may deem fit, or by any two or more of these means and by any other means it may think suitable. Public notices how to be given.

164. Whenever under this Act, the doing or the omitting to do anything or the validity of anything depends upon the consent, approval, declaration, opinion or satisfaction of a competent authority, a written document signed by a competent authority purporting to convey or set forth such consent, approval, declaration, opinion or satisfaction shall be sufficient evidence thereof. Consent, etc., of a competent authority may be proved by writing under his signature.

165. Every licence, written permission, notice or other document, not being a summons or warrant or search warrant, required by this Act, or by any rule thereunder, to bear the signature of the Commissioner, shall be deemed to be properly signed if it bears a facsimile of his signature stamped thereon. Signature on notices, etc., may be stamped.

166. (1) In the case of any rule or order made by the State Government under an authority conferred by this Act and requiring the public or a particular class of persons to perform some duty or act, or to conduct or order themselves or those under their control in a manner therein described, it shall be competent to any person interested to apply to the State Government by a memorial given to a Secretary to the State Government to annul, reverse or alter the rule or order aforesaid on the ground of its being unlawful, oppressive or unreasonable. Persons interested may apply to State Government to annul, reverse or alter any rule or order.

When a suit shall lie to the District Court to declare a rule or order unlawful.

(2) After such an application as aforesaid and the rejection thereof wholly or in part or after the lapse of four months without an answer to such application or a decision thereon published by the State Government, it shall be competent to the person interested and deeming the rule or order contrary to law to institute a suit against the State for a declaration that the rule or order is unlawful either wholly or in part. The decision in such suit shall be subject to appeal; and a rule or order finally adjudged to be unlawful shall by the State Government be annulled or reversed or so altered as to make it conformable to law.

Repeal and saving.

167. (1) The enactments specified in Schedule I are hereby repealed:

Provided that—

(i) All rules prescribed, appointments made, powers conferred, orders made or passed, directions and certificates issued, consent, permit, permission or licences given, summons or warrants issued or served, persons arrested or detained or discharged on bail or bond, search warrants issued, bond forfeited, penalty incurred under any such enactment shall, so far as they are consistent with this Act, be deemed to have been respectively prescribed, made, conferred, given, passed, served, arrested, detained, discharged, forfeited and incurred thereunder.

(ii) All references made in any Bombay Act to any of the Acts hereby repealed shall be read as if made to the corresponding provision of this Act.

(2) Nothing in sub-section (1) shall be deemed to affect—

(a) the validity, invalidity, effect or consequence of anything done or suffered to be done in an area before the date on which the provisions of this Act come into force in such area;

(b) any right, privilege, obligation or liability already acquired, accrued or incurred before such date;

(c) any penalty, forfeiture or punishment incurred or inflicted in respect of any act before such date;

(d) any investigation, legal proceeding or remedy in respect of such right, privilege, obligation, liability, penalty, forfeiture or punishment;

(e) any legal proceeding pending in any Court or before any officer on the aforesaid date or anything done or suffered to be done in the course of such proceedings; and any such proceeding or any appeal or revisional proceedings arising out of such proceeding shall be instituted, continued or disposed of, as the case may be, as if this Act had not come into force.

(3) The enactment specified in Schedule III in its application to the State of Bombay, is hereby amended to the extent and in the manner mentioned in the fourth column thereof.

Saving of Bombay Village Police Act and enactment relating to reserve Police.

168. Nothing in this Act shall affect the provisions of the Bombay Village Police Act, 1867, or any enactment which may be made in regard to the reserve Police. Bom. VIII of 1867.

SCHEDULE I.

[*See* Sections 3 and 5 and sub-section (1) of section 167.]

Year.	No.	Short title.
1	2	3
1890	IV	The Bombay District Police Act, 1890.
1902	IV	The City of Bombay Police Act, 1902.
1949	XVI	The Police Forces (Control and Direction) Act, 1949.

SCHEDULE II.

(*See* section 14.)

CERTIFICATE

OF

APPOINTMENT IN THE POLICE FORCE.

No. .....

STATE OF BOMBAY.

Certificate of Appointment issued under Bombay Police Act of 19 .....
.....
Act of 1861.

(Photograph to be affixed in the case of Inspectors and Sub-Inspectors.)

Mr.....
has been appointed as ..... and is invested with the powers, functions and privileges of a Police officer under the *Bombay Police Act of 19*
Act V of 1861

Greater Bombay
In the Bombay District Police
Railway Police.

On the ..... day of ..... 19 .

Signature.....

Designation.....

SCHEDULE III.

(*See* sub-section (*3*) of section 167.)

Year.	No.	Short title.	Amendment.
1	2	3	4
1898	V	Code of Criminal Procedure.	In clause (*a*) of sub-section (*2*) of section 1 of the Act— (*i*) for the words "towns of Calcutta, Madras and Bombay", the words "towns of Calcutta and Madras" shall be substituted; (*ii*) for the words "towns of Calcutta and Bombay" the words "town of Calcutta" shall be substituted.

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. XLIII OF 1950.]

(As read for the third time and passed by the Legislative Assembly on the 27th February 1951.)

(As read for the third time and passed by Legislative Council on the 5th March 1951.)

A Bill to consolidate and amend the law for the regulation of the Police Force in the State of Bombay.

[Shri MORARJI DESAI, M.L.A.]

MO-II Bk Hb 543—7

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Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

Acts of the Bombay Legislature and Ordinances promulgated and Regulations made by the Governor.

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BOMBAY ACT No. XXII OF 1951—An Act to consolidate and amend the law for the regulation of the Police Force in the State of Bombay..	73-124

The following Act of the Bombay Legislature having been assented to by the President on the 1st June 1951 is hereby published for general information.

J. R. DHURANDHAR,
Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. XXII OF 1951.

(First published, after having received the assent of the President, in the "Bombay Government Gazette" on the 11th June 1951.)

An Act to consolidate and amend the law for the regulation of the Police Force in the State of Bombay.

WHEREAS it is expedient to amalgamate the District and Greater Bombay Police Forces in the State of Bombay into one common Police Force and to introduce uniform methods regarding the working and control of the said Force throughout the State; And whereas it is necessary to consolidate and amend the law relating to the regulation of the said Force and the exercise of powers and performance of functions by the State Government and by the members of the said Force for the maintenance of public order; And whereas it is necessary to provide for certain other purposes hereinafter appearing; It is hereby enacted as follows:—

CHAPTER I.

Preliminary.

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Police Act, 1951.

(*2*) It extends to the whole of the State of Bombay.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, specify in this behalf.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "cattle" includes elephants, camels, horses, asses, mules, sheep, goats and swine;

(2) "Corporation" means a Corporation constituted under the Bombay Municipal Corporation Act or the Bombay Provincial Municipal Corporations Act, 1949; Bom. III of 1888. Bom. LIX of 1949.

(3) the expression "competent authority" when used with reference to the exercise or performance of any power, duty or function under the provisions of this Act, means—

(a) in relation to Greater Bombay, and other areas for which a Commissioner of Police is appointed under section 7, the Commissioner,

(b) in relation to the areas other than those referred to in clause (a), the District Magistrate or the District Superintendent or the Additional Superintendent when specially empowered in that behalf by the State Government;

(4) "constable" means a police officer of the lowest grade;

(5) "district" means a territorial division constituting a district for the purposes of the Code of Criminal Procedure, 1898, but does not include Greater Bombay; V of 1898.

(6) "Inspector-General", "Additional Inspector-General", "Commissioner", "Deputy Inspector-General", "Deputy Commissioner", "Assistant Commissioner", "District Superintendent", "Additional Superintendent", "Assistant Superintendent", and "Deputy Superintendent" mean respectively the Inspector-General of Police, the Additional Inspector-General of Police, a Commissioner of Police including an Additional Commissioner of Police, a Deputy Inspector-General of Police, a Deputy Commissioner of Police, an Assistant Commissioner of Police, a District Superintendent of Police, an Additional Superintendent of Police, an Assistant Superintendent of Police and a Deputy Superintendent of Police appointed or deemed to be appointed under this Act;

(7) "municipality" means a municipality constituted or deemed to be constituted under the Bombay Municipal Boroughs Act, 1925, or the Bombay District Municipal Act, 1901; Bom. XVIII of 1925. Bom. III of 1901.

(8) "place" includes a building, a tent, a booth or other erection, whether permanent or temporary, or any area whether enclosed or open;

(9) "place of public amusement" means any place where music, singing, dancing, or any diversion or game, or the means of carrying on the same, is provided and to which the public are admitted either on payment of money or with the intention that money may be collected from those admitted and includes a race course, circus, theatre, music hall, billiard room, bagatelle room, gymnasium, fencing school, swimming pool or dancing hall;

(10) "place of public entertainment" means any place to which the public are admitted, and where any kind of food or drink is supplied for consumption on the premises by any person owning or having an interest in or managing such place and includes a refreshment room, eating-house, coffee-house, liquor-house, boarding house, lodging house, hotel, tavern or wine, beer, spirit, arrack, toddy, ganja, bhang or opium shop;

(11) "Police officer" means any member of the Police Force appointed or deemed to be appointed under this Act and includes a special or an additional Police officer appointed under section 21 or 22;

(12) "prescribed" means prescribed by rules;

(13) "public place" includes the foreshore, the precincts of every public building or monument, and all places accessible to the public for drawing water, washing or bathing or for the purpose of recreation;

(14) "rules" means rules made under this Act;

(15) "street" includes any highway, bridge, way over a causeway, viaduct, arch, quay, or wharf or any road, lane, footway, square, court, alley or passage accessible to the public, whether a thoroughfare or not;

(*16*) "subordinate ranks" means members of the Police Force below the rank of the Inspector ;

(*17*) "vehicle" means any carriage, cart, van, dray, truck, hand cart or other conveyance of any description and includes a bicycle, a tricycle, a rickshaw, an automatic car, a vessel or an aeroplane.

CHAPTER II.

Superintendence, control and organisation of the Police Force.

One Police Force for the whole State.

3. There shall be one Police Force for the whole of the State :

Provided that the members of the Police Forces constituted under any of the Acts mentioned in Schedule I, immediately before the coming into force of this Act, shall be deemed to be the members of the said Police Force.

Superintendence of Police Force to vest in the State Government.

4. The superintendence of the Police Force throughout the State vests in and is exercisable by the State Government and any control, direction or supervision exercisable by any officer over any member of the Police Force shall be exercisable subject to such superintendence.

Constitution of Police Force.

5. Subject to the provisions of this Act—

(*a*) the Police Force shall consist of such number in the several ranks and have such organization and such powers, functions and duties as the State Government may by general or special order determine;

(*b*) the recruitment, pay, allowances and all other conditions of service of the Police Force shall be such as may from time to time be determined by the State Government by general or special order :

Provided that—

(*i*) the rules or orders governing the recruitment, pay, allowances and other conditions of service of the members of the Police Force constituted under any of the Acts mentioned in Schedule I and deemed to be the members of the Police Force under section 3 shall continue in force until altered or cancelled under clause (*b*),

(*ii*) nothing in this clause shall apply to the recruitment, pay, allowances and other conditions of service of the members of the Indian Police and Indian Police Service.

Inspector-General, Additional and Deputy Inspector-General.

6. (*1*) For the direction and supervision of the Police Force, the State Government shall appoint an Inspector-General of Police who shall exercise such powers and perform such functions and duties and shall have such responsibilities and such authority as may be provided by or under this Act or orders made by the State Government.

(*2*) (*a*) The State Government may appoint an Additional Inspector-General and one or more Deputy Inspectors-General of Police.

(*b*) The State Government may direct that any of the powers, functions, duties and responsibilities and the authority of the Inspector-General may be exercised, performed or discharged, as the case may be, by the Additional Inspector-General or a Deputy Inspector-General.

(*c*) The State Government may also by a general or special order direct that the Additional Inspector-General or Deputy Inspector-General shall assist and aid the Inspector-General in the performance, exercise and discharge of his powers, functions, duties, responsibilities and authority in such manner and to such extent as may be specified in the order.

Commissioner.

7. (*a*) The State Government may appoint a Police officer to be the Commissioner of Police for Greater Bombay or any other area specified in a notification issued by the State Government in this behalf and published in the *Official Gazette*.

(*b*) The State Government may also appoint an Additional Commissioner of Police for the areas specified in clause (*a*).

(*c*) The Commissioner shall exercise such powers, perform such functions and duties and shall have such responsibilities and authority as are provided by or under this Act or as may otherwise be directed by the State Government by a general or special order :

Provided that the State Government may direct that any of the powers, functions, duties, responsibilities or authority exercisable or to be performed or discharged by the Commissioner shall be exercised, performed or discharged subject to the control of the Inspector-General :

Provided further that the area for which a Commissioner has been appointed under this section shall not, unless otherwise provided by or under this Act, be under the charge of the District Magistrate or the District Superintendent for any of the purposes of this Act, notwithstanding the fact that such area forms part of a district within the territorial jurisdiction for which a District Magistrate or a District Superintendent may have been appointed.

Appointment of District, Additional, Assistant and Deputy Superintendents.

8. (*1*) The State Government may appoint for each District or for a part of a District or for one or more Districts, a Superintendent and one or more Additional, Assistant and Deputy Superintendents of Police, as it may think expedient.

(*2*) The State Government may, by a general or special order, empower an Additional Superintendent to exercise and perform in the district for which he is appointed or in any part thereof, all or any of the powers, functions or duties to be exercised or performed by a District Superintendent under this Act or under any law for the time being in force.

(*3*) The District Superintendent may, with the previous permission of the State Government, delegate any of the powers and functions conferred on him by or under this Act to an Assistant or Deputy Superintendent.

Principal, Central Police Training School, Nasik.

9. The State Government may appoint any Police Officer not below the rank of a District Superintendent to be the Principal of the Central Police Training School, Nasik, and may assign to him such powers, functions and duties, as it may think fit.

Deputies and Assistants to Commissioner.

10. (*1*) The State Government may appoint one or more Deputy Commissioners and one or more Assistant Commissioners of Police in Greater Bombay or in any area in which a Commissioner has been appointed under clause (*a*) of section 7.

(*2*) Every such Deputy or Assistant Commissioner shall, under the orders of the Commissioner, exercise and perform any of the powers, functions and duties of the Commissioner to be exercised or performed by him under the provisions of this Act or any other law for the time being in force, in accordance with the general or special orders of the State Government made in this behalf :

Provided that the powers to be exercised by the Commissioner under section 13 or 33 shall not be exercisable by a Deputy or Assistant Commissioner.

Superintendent in Greater Bombay.

11. (*1*) The State Government may appoint for Greater Bombay such number of Superintendents of Police as it may think expedient.

(*2*) A Superintendent appointed under sub-section (*1*) shall exercise such powers and perform such duties and functions as can be exercised or performed under the provisions of this Act or any other law for the time being in force or as are assigned to him by the Commissioner under the general or special orders of the State Government:

Provided that the powers to be exercised by the Commissioner under section 13 or 33 shall not be exercisable by the Superintendent.

Constitution of divisions and sections.

12. (*1*) Subject to the control of the State Government, the Commissioner for Greater Bombay shall, if he thinks fit,—

(*a*) constitute within the Greater Bombay, Police divisions,

(*b*) sub-divide the same into sections, and

(*c*) define the limits and extent of such divisions and sections.

Officers in charge of divisions and sections.

(*2*) Each such division shall be in charge of a Superintendent of Police and each section shall be in charge of an Inspector of Police.

Inspector-General and Commissioner to exercise the powers of First Class Magistrate and Presidency Magistrate.

13. Subject to the conditions and limitations as may be imposed by the State Government, the powers under sections 94, 96, 97, 98, 105, 523, 524 and 526 of the Code of Criminal Procedure, 1898, may be exercised— V of 1898.

(*1*) in districts, by the Inspector General as a First Class Magistrate;

(*2*) in Greater Bombay, by the Commissioner for Greater Bombay as a Presidency Magistrate; and

(*3*) in areas under their respective charges, by other Commissioners as First Class Magistrates.

Certificate of appointment.

14. (*1*) Every Police officer of and below the grade of Inspector, shall on appointment receive a certificate in form provided in Schedule II. The certificate shall be issued under the seal of such officer as the State Government may by general or special order direct.

(*2*) A certificate of appointment shall become null and void whenever the person named therein ceases to belong to the Police Force or shall remain inoperative during the period within which such person is suspended from such Force.

Effect of suspension of Police officer.

15. The powers, functions and privileges vested in a Police officer shall remain suspended whilst such Police officer is under suspension from office:

Provided that notwithstanding such suspension such person shall not cease to be a Police officer and shall continue to be subject to the control of the same authorities to which he would have been, if he was not under suspension.

General powers of Commissioner and District Superintendent.

16. The Commissioner, subject to the orders of the Inspector-General, and the District Superintendent, subject to the orders of the Inspector-General and the District Magistrate, shall, within their respective spheres of authority, direct and regulate all matters of arms, drill, exercise, observation of persons and events, mutual relations, distribution of duties, study of laws, orders and modes of proceedings and all matters of executive detail or the fulfilment of their duties by the Police Force under him.

Control of District Magistrate over Police Force in district.

17. (*1*) The District Superintendent and the Police Force of a district shall be under the control of the District Magistrate.

(*2*) In exercising such control the District Magistrate shall be governed by such rules and orders as the State Government may make in this behalf.

Power of District Magistrate to require reports from District Superintendent.

18. The District Magistrate may require from the District Superintendent reports, either particular or general, on any matter connected with the crimes, habitual offenders, the prevention of disorder, the regulation of assemblies and amusements, the distribution of the Police Force, the conduct and character of any Police officer subordinate to the District Superintendent, the utilization of auxiliary means and all other matters in furtherance of his control of the Police Force and the maintenance of order.

Power of supervision by District Magistrates.

19. If the District Magistrate observes any marked incompetence or unfitness for the locality or for his particular duties, in any Police officer subordinate to the District Superintendent, he may require the District Superintendent to substitute another officer for any officer whom he has power to transfer and the District Superintendent shall be bound to comply with the requisition :

Provided that if the Police officer concerned is an officer of the grade of the Inspector or of a higher grade, the District Magistrate may report his conduct to the Inspector-General. The Inspector-General may, thereafter, determine the action to be taken and pass such orders as he thinks fit, and shall communicate such action or order to the District Magistrate.

Power of Inspector-General and Commissioner to investigate, and regulate matters of Police accounts.

20. The Inspector-General, throughout the State and the Commissioner in the area for which he is appointed, shall, subject to the orders of the State Government, have authority to investigate and regulate all matters of account connected with the Police in the State or in the area, as the case may be, and all persons concerned shall be bound to give him reasonable aid and facilities in conducting such investigations and to conform to his orders consequent thereto.

Special Police officers.

21. (*1*) The Commissioner, the District Superintendent, or any Magistrate not lower in rank than that of second class specially empowered in this behalf by the State Government, may, at any time by a written order signed by himself and sealed with his own seal appoint any able-bodied male person between the ages of 18 and 50, whom he considers fit to be a Special Police officer to assist the Police Force on any occasion, when he has reason to apprehend the occurrence of any riot or grave disturbance of the peace within the limits of his charge and he is of opinion that

the ordinary Police Force is not sufficient for the protection of the inhabitants and for the security of property.

(2) Every special Police officer so appointed shall on appointment-

(a) receive a certificate in a form approved by the State Government in this behalf,

(b) have the same powers, privileges and immunities and be liable to the same duties and responsibilities and be subject to the same authorities as an ordinary Police officer.

Appointment of additional Police.

22. (1) Additional Police officers of such rank or grade for such time and on such pay as the authority specified by or under the provisions of this Act in that behalf may determine, may be employed or deputed for the purpose stated in such provisions.

(2) Every additional Police officer appointed, shall on appointment—

(a) receive a certificate in a form approved by the State Government in this behalf,

(b) be vested with all or such of the powers, privileges and duties of a Police officer as are specially mentioned in the certificate, and

(c) be subject to the orders of the Commissioner or the District Superintendent, as the case may be.

(3) The employment or deputation of such additional Police officer may be made at the request of any person requiring such Police and the cost of such employment shall be recovered in such manner as is provided by or under this Act or under any other law for the time being in force.

CHAPTER III.

Regulation, Control and Discipline of the Police Force.

Framing of rules for administration of the Police.

23. Subject to the orders of the State Government, the Commissioner in the case of the Police Force allocated to Greater Bombay and other areas for which he has been appointed and the Inspector-General in the case of the Police Force allocated to other areas may make rules or orders not inconsistent with this Act or with any other enactment for the time being in force—

(a) regulating the inspection of the Police Force by his subordinates;

(b) determining the description and quantity of arms, accoutrements, clothing and other necessaries to be furnished to the Police;

(c) prescribing the places of residence of members of the Police Force;

(d) for institution, management and regulation of any Police fund for any purpose connected with police administration;

(*e*) regulating, subject to the provisions of section 17, the distribution, movements and location of the Police ;

(*f*) assigning duties to Police officers of all ranks and grades, and prescribing—

(*i*) the manner in which, and

(*ii*) the conditions subject to which, they shall exercise and perform their respective powers and duties ;

(*g*) regulating the collection and communication by the Police of intelligence and information ;

(*h*) generally, for the purpose of rendering the Police efficient and preventing abuse or neglect of their duties.

Inspector-General or Commissioner may call for returns.

24. (*1*) The Inspector-General may, subject to the rules and orders of the State Government, call for such returns, reports and statements on subjects connected with the suppression of crime, the maintenance of order and the performance of their duties as his subordinates may be able to furnish to him. The Inspector-General shall communicate to the District Magistrate any general orders issued by him for the purposes aforesaid or in consequence of the information furnished to him, and also any orders which the State Government may direct.

(*2*) The Commissioner may subject as aforesaid with reference to the area under his charge call for such reports, returns and statements as are provided for in sub-section (*1*).

Punishment of the members of the subordinate ranks of the Police Force departmentally for neglect of duty, etc.

25. (*1*) The State Government, or any officer authorised by sub-section (*2*) in that behalf, may suspend, reduce, dismiss or remove any member of the subordinate ranks of the Police Force whom he shall think cruel, perverse, remiss or negligent in the discharge of his duty or unfit for the same, and may fine to an amount not exceeding one month's pay, any member of the subordinate ranks of the Police Force, who is guilty of any breach of discipline or misconduct or any act rendering him unfit for the discharge of his duty, which does not require his suspension or dismissal.

Punitive powers of Inspector-General, Commissioner, Deputy Inspector-General and District Superintendent.

(*2*) (*a*) The Inspector-General, the Commissioner and the Deputy Inspector-General shall have authority to punish any member of the subordinate ranks under sub-section (*1*). A District Superintendent shall have the like authority in respect of any Police officer subordinate to him below the grade of Inspector and may suspend an Inspector who is subordinate to him pending inquiry into a grave complaint against such Inspector and until an order of the Inspector-General or Deputy Inspector-General can be obtained.

(*b*) The Principal of the Central Police Training School, Nasik, shall also have the like authority in respect of any member of the subordinate ranks of the Police Force below the grade of Inspector serving under him, and in respect of head constables

and constables belonging to the Police Force of the Nasik District or of any other district attached to the said school for duty under him. He may also suspend an Inspector who is subordinate to him, pending inquiry into a grave complaint against such Inspector and until an order of the Inspector-General or Deputy Inspector-General can be obtained.

(c) The exercise of any power conferred by this sub-section shall be subject always to such rules and orders as may be made by the State Government in that behalf.

(3) Nothing in sub-sections (1) and (2)—

(a) shall affect any Police officer's liability to a criminal prosecution for any offence with which he may be charged; or

(b) shall entitle any authority subordinate to that by which the Police officer was appointed, to dismiss or remove him.

Procedure to be observed in awarding punishment.

26. When any officer passes an order for fining, suspending, reducing, removing or dismissing a Police officer, he shall record such order or cause the same to be recorded, together with the reasons therefor and a note of the inquiry made, in writing, under his signature:

Provided that no such order shall be passed without giving him a reasonable opportunity of showing cause against the action proposed to be taken against him except in cases referred to in the proviso (a) to clause (2) of Article 311 of the Constitution.

Appeals from orders of punishment.

27. An appeal against any order passed against a Police officer under section 25 or the rules or orders thereunder shall lie to the State Government itself or to such officer as the State Government may by general or special order specify.

Police officers to be deemed to be always on duty and to be liable to employment in any part of the State.

28. (1) Every Police officer not on leave or under suspension shall for all purposes of this Act be deemed to be always on duty, and any Police officer or any number or body of Police officers allocated for duty in one part of the State may, if the State Government or the Inspector-General so directs, at any time be employed on Police duty in any other part of the State for so long as the services of the same may be there required.

Intimation of proposed transfers to be given by the Inspector-General to the Commissioner and District Magistrate.

(2) Timely intimation shall, except in cases of extreme urgency, be given to the Commissioner and the District Magistrate by the Inspector-General of any proposed transfer under this section, and, except, where secrecy is necessary, the reasons for the transfer shall be explained; whereupon the officers aforesaid and their subordinates shall give all reasonable furtherance to such transfer.

Under what conditions Police officer may resign.

29. (1) Except with the written permission of the Commissioner or the Deputy Inspector-General, Criminal Investigation Department, or of the Principal of the Central Police Training School, Nasik, or of the District Superintendent or of some other Police officer empowered by the Inspector-General or the Commissioner to grant such permission, no Police officer of the subordinate

ranks shall resign his office or withdraw himself from the duties thereof, until (*a*) the expiration of two months after written notice of his intention so to do has been given by him to any of the aforesaid officers to whom he is subordinate and until, (*b*) he has fully discharged any debt due by him as such Police officer to Government or to any Police fund.

(*2*) If any such Police officer produces a certificate signed by the Police Surgeon or the Civil Surgeon declaring him to be unfit by reason of disease or mental or physical incapacity for further service in the Police, the necessary written permission to resign shall forthwith be granted to him on his discharging or giving satisfactory security for the payment of any debt due by him as such Police officer, to Government or to any Police fund.

Arrear of pay of a Police officer contravening this section may be forfeited.

(*3*) If any such Police officer as aforesaid resigns or withdraws himself from the duties of his office in contravention of this section, he shall be liable on the order of the Commissioner, or the Deputy Inspector-General, Criminal Investigation Department, or of the Principal of the Central Police Training School, Nasik, or of the District Superintendent, as the case may be, to forfeit all arrears of pay then due to him. This forfeiture shall be in addition to the penalty to which the said officer is liable under section 145 of this Act or any other law in force.

Certificate, arms, etc., to be delivered up by person ceasing to be a Police officer and

30. (*1*) Every person who for any reason ceases to be a Police officer shall forthwith deliver up to some officer empowered by the Commissioner, or the Deputy Inspector-General, Criminal Investigation Department, or the Principal of the Central Police Training School, Nasik, or the District Superintendent to whom such Police officer is subordinate to receive the same, his certificate of appointment or of office and the arms, accoutrements, clothing and other necessaries which have been furnished to him for the performance of duties and functions connected with his office.

if not delivered up may be seized under a search warrant.

(*2*) Any Magistrate and, for special reasons which shall be recorded in writing at the time, the Commissioner or the Deputy Inspector-General, Criminal Investigation Department, or the Principal of the Central Police Training School, Nasik, or any District Superintendent, Assistant Superintendent, or Deputy Superintendent may issue a warrant to search for and seize, wherever they be found, any certificate, arms, accoutrements, clothing or other necessaries not so delivered up. Every warrant so issued shall be executed in accordance with the provisions of the Code of Criminal Procedure, 1898, by a Police officer or, if the Magistrate, the Commissioner, the Deputy Inspector-General, Criminal Investigation Department, the Principal of the Central Police Training School, Nasik, the District Superintendent, the Assistant Superintendent or the Deputy Superintendent issuing the warrant so directs, by any other person. V of 1898.

Saving of certain articles.

(*3*) Nothing in this section shall be deemed to apply to any article which, under the orders of the Inspector-General, or the Commissioner, as the case may be, has become the property of the person to whom the same was furnished.

Occupation of and liability to vacate premises provided for Police officers.

31. (*1*) Any Police officer occupying any premises provided by the State Government for his residence—

(*a*) shall occupy the same subject to such conditions and terms as may, generally or in special cases, be specified by the State Government, and

(*b*) shall, notwithstanding anything contained in any law for the time being in force, vacate the same on his ceasing to be a Police officer or whenever the State Government or any officer authorised by the State Government in this behalf thinks it necessary and expedient to require him to do so.

(*2*) If any person who is bound or required under sub-section (*1*) to vacate any premises fails to do so, the State Government or the officer authorised in this behalf by the State Government may order such person to vacate the premises and may

direct any Police officer with such assistance as may be necessary to enter upon the premises and remove therefrom any person found therein and to take possession of the premises and deliver the same to any person specified in the direction.

III of 1888.

32. Subject to the provisions of the Police Act, 1888, and save in so far as the operation of this section may be temporarily suspended by the special order of the State Government, nothing in Chapters II and III shall be deemed to affect any officers of the Railway Police employed within the limits of the State of Bombay on Police functions connected with the administration of any railway and any such Police officer shall, in the discharge of such functions, be vested with the powers, privileges and be subject to the liabilities of a Police officer of the establishment to which he belongs. Saving in regard to Railway Police.

CHAPTER IV.

Police Regulations.

33. (*1*) The Commissioner and the District Magistrate, in areas under their respective charges or any part thereof, may make, alter or rescind rules or orders not inconsistent with this Act for— Power to make rules for regulation of traffic and for preservation of order in public place, etc.

(*a*) licensing and controlling persons offering themselves for employment at quays, wharves and landing places, and outside Railway stations; for the carriage of passengers' baggages, and fixing and providing for the enforcement of a scale of charges for the labour of such persons so employed ;

(*b*) regulating traffic of all kinds in streets and public places, and the use of streets and public places by persons riding, driving, cycling, walking or leading or accompanying cattle, so as to prevent danger, obstruction or inconvenience to the public ;

(*c*) regulating the conditions under which vehicles may remain standing in streets and public places, and the use of streets as halting places for vehicles or cattle ;

(*d*) prescribing the number and position of lights to be used on vehicles in streets and the hours between which such lights shall be used ;

(*e*) prescribing certain hours of the day during which cattle shall not be driven along the streets, or along certain specified streets, except subject to such regulations as he may prescribe in that behalf ;

(*f*) regulating the leading, driving, conducting or conveying of any elephant or wild or dangerous animal through or in any street ;

(*g*) regulating and controlling the manner and mode of conveying timber, scaffold poles, ladders, iron girders, beams or bars, boilers or other unwieldy articles through the streets, and the route and hours for such conveyance ;

(*h*) licensing, controlling or, in order to prevent the obstruction, inconvenience, annoyance, risk, danger or damage of the residents or passengers in the vicinity, prohibiting the carrying in streets and public places of gunpowder or any other explosive substance ;

(*i*) prohibiting, except along certain specified streets and during specified hours and subject to such regulations as he may prescribe in that behalf, the exposure or movement in any street of persons or animals suffering from contagious or infectious diseases and the carcasses of animals or part thereof and the corpses of persons deceased ;

(*j*) prescribing certain hours of the day during which ordure or offensive matter or objects shall not be taken from or into houses or buildings in certain streets or conveyed through such streets except subject to such rules as he may make in that behalf ;

(*k*) setting apart places for the slaughtering of animals, the cleaning of carcasses or hides, the deposit of noxious or offensive matter and for obeying calls of nature;

(*l*) in cases of existing or apprehended epidemic or infectious disease of men or animals, the cleanliness and disinfection of premises by the occupier thereof and residents therein and the segregation and management of the persons or animals diseased or supposed to be diseased, as may have been directed or approved by the State Government, with a view to prevent the disease or to check the spreading thereof;

(*m*) directing the closing or disuse, wholly or for certain purposes, or limiting to certain purposes only the use of any source, supply or receptacle of water, and providing against pollution of the same or of the water therein;

(*n*) licensing, controlling or, in order to prevent the obstruction, inconvenience, annoyance, risk, danger or damage of the residents or passengers in the vicinity, prohibiting the playing of music, the beating of drums, tom-toms or other instruments and the blowing or sounding of horns or other noisy instruments in or near streets or public places;

(*o*) regulating the conduct of and behaviour or action of persons constituting assemblies and processions on or along the streets and prescribing in the case of processions, the routes by which, the order in which and the times at which the same may pass;

(*p*) prohibiting the hanging or placing of any cord or pole across a street or part thereof, or the making of a projection or structure so as to obstruct traffic or the free access of light and air;

(*q*) prohibiting, except under such reasonable rules as he may make, the placing of building materials or other articles or the fastening or detention of any horse or other animals in any street or public place;

(*r*) licensing, controlling or, in order to prevent obstruction, inconvenience, annoyance, risk, danger or damage of the residents or passengers in the vicinity, prohibiting—

(*i*) the illumination of streets and public places and the exteriors of building abutting thereon by persons other than servants of Government or Municipal officers duly authorized in that behalf,

(*ii*) the blasting of rock or making excavations in or near streets or public places,

(*iii*) the using of a loudspeaker in any public place or place of public entertainment;

(*s*) closing certain streets or places temporarily, in cases of danger from ruinous buildings or other cause, with such exceptions as shall appear reasonable;

(*t*) guarding against injury to person and property in the construction, repair and demolition of buildings, platforms and other structures from which danger may arise to passengers, neighbours or the public;

(*u*) prohibiting the setting fire to or burning any straw or other matter, or lighting a bonfire or wantonly discharging a fire-arm or air-gun, or letting off or throwing a fire-work, or sending up a fire balloon or rocket in or upon or within fifty feet of a street or building or the putting up of any post or other thing on the side of or across a street for the purpose of affixing thereto lamps or other contrivances for illumination, except subject to such reasonable rules, as he may make in that behalf;

(*v*) regulating the hours during which and the manner in which any place for the disposal of the dead, any dharmashala, village-gate or other place of public

resort may be used, so as to secure the equal and appropriate application of its advantages and accommodation and to maintain orderly conduct amongst those who resort thereto ;

(*w*) (*i*) licensing or controlling places of public amusement or entertainment ;

(*ii*) prohibiting the keeping of places of public amusement or entertainment or assembly, in order to prevent obstruction, inconvenience, annoyance, risk, danger or damage to the residents or passengers in the vicinity ;

(*iii*) regulating the means of entrance and exit at places of public amusement or entertainment or assembly, and providing for the maintenance of public safety and the prevention of disturbance thereat ;

(*x*) regulating or prohibiting the sale of any ticket or pass for admission, by whatever name called, to a place of public amusement ;

(*y*) prescribing the procedure in accordance with which any licence or permission sought to be obtained or required under this Act should be applied for, and fixing the fees to be charged for any such licence or permission :

Provided that nothing in this section and no licence granted under any rule made thereunder shall authorize any person to import, export, transport, manufacture, sell or possess any liquor or intoxicating drug, in respect of which a licence, permit, pass or authorisation is required under the Bombay Prohibition Act, 1949, or under any other law for the time being in force relating to the Abkari revenue or shall affect the liability of any person under any such law, or shall in any way affect the provisions of the Arms Act, 1878, or of the Explosives Act, 1884, or of any rules made under either of those enactments, or the liability of any person thereunder :

Bom. XXV of 1949.

XI of 1878.

IV of 1884.

Provided further, that any action taken under the rules or orders made under this sub-section or the grant of a licence made under such rules or orders shall be subject to the control and supervision of the State Government.

(*2*) (*i*) The power of making, altering or rescinding rules under clauses (*a*), (*b*) and (*c*) of sub-section (*1*) shall be subject to the control of the State Government.

(*ii*) The power of making, altering or rescinding rules under the remaining clauses of sub-section (*1*) shall be subject to the previous sanction of that Government.

(*3*) Every rule made under clause (*v*) of sub-section (*1*) with respect to the use of a place for the disposal of the dead shall be framed with due regard to ordinary and established usages and to the necessities of prompt disposal of the dead in individual cases.

(*4*) Every rule promulgated under the authority of clause (*l*) of sub-section (*1*) shall, if made in relation to any area outside Greater Bombay, be forthwith reported to the State Government or such authority as the State Government may appoint in this behalf.

(*5*) If any rule or order made or promulgated under this section relates to any matter with respect to which there is a provision in any law, rule or by-law of any municipal or local authority in relation to the public health, convenience or safety of the locality, such rule or order shall be subject to such law, rule or by-law of the municipal or local authority, as the case may be.

(*6*) The power of making, altering or rescinding rules under this section shall be subject to the condition of the rules being made, altered or rescinded after previous publication, and every rule made or alteration or rescission of a rule made under this section shall be published in the *Official Gazette* and in the locality affected thereby by affixing copies thereof in conspicuous places near to the building, structure, work or place, as the case may be, to which the same specially relates or by proclaiming the same by the beating of drum or by advertising the same in such local newspapers in English or in the local language,

as the authority making, altering or rescinding the rule may deem fit or by any two or more of these means or by any other means it may think suitable :

Provided that any such rules may be made, altered or rescinded without previous publication if the Commissioner or the District Magistrate, as the case may be, is satisfied that circumstances exist which renders it necessary that such rules or alterations therein or rescission thereof should be brought into force at once.

(7) Notwithstanding anything hereinbefore contained in this section or which may be contained in any rule made thereunder, it shall always be lawful for the competent authority to refuse a licence for, or to prohibit the keeping of any place of public amusement or entertainment by a person of notoriously bad character.

(8) It shall be the duty of all persons concerned to conform to any order duly made as aforesaid so long as the same shall be in operation.

Competent authority may authorise erection of barriers on streets.

34. The Commissioner and the District Superintendent in areas under their respective charges may, whenever in his opinion such action is necessary, authorise such Police officer as he thinks fit to erect barriers on any street for the purpose of stopping temporarily vehicles driven on such street and satisfy himself that the provisions of any law for the time being in force have not been contravened in respect of any such vehicle or by the driver of or the person in charge of such vehicle. The said authority may also make such orders as it deems fit for regulating the use of such barriers.

Power to make rules prohibiting disposal of the dead except at places set apart.

35. (1) A competent authority may, from time to time, make rules prohibiting the disposal of the dead, whether by cremation, burial or otherwise at places other than those set apart for such purpose :

Provided that no such rules shall be made in respect of any such town or place in which places have not been so set apart :

Provided further that the competent authority or any officer authorised by it in this behalf may, in its or his discretion on an application made to it or him by any person, grant to such person permission to dispose of the corpse of any deceased person at any place other than a place so set apart, if in its or his opinion such disposal is not likely to cause obstruction to traffic or disturbance of the public peace or is not objectionable for any other reason.

(2) Any rules made under sub-section (1) shall specify the places set apart for the disposal of the dead of different communities or sections of communities.

(3) All such rules shall be subject to the condition of previous publication and the date to be specified under clause (c) of section 24 of the Bombay General Clauses Act, 1904, shall not be earlier than two months from the date on which the draft of the proposed rules is published.

Bom. 1 of 1904.

Explanation.—For the purposes of this section, a place set apart for the disposal of the dead means a place set apart for such purpose under any custom, usage or law for the time being in force.

Power of Commissioner or the District Superintendent and of other officers to give direction to the public.

36. In areas under their respective charges the Commissioner, and subject to his orders every Police officer not inferior in rank to an Inspector, and the District Superintendent and subject to his orders any Police officer of not lower than such rank as may be specified by the State Government in that behalf, may, from time to time as occasion may arise, but not so as to contravene any rule or order under section 33 give all such orders either orally or in writing as may be necessary to—

(a) direct the conduct of, and behaviour or action of persons constituting processions or assemblies on or along the streets ;

(b) prescribe the routes by which and the times at which any such processions may or may not pass ;

(c) prevent obstructions on the occasion of all processions and assemblies and in the neighbourhood of all places of worship during the time of worship and in all cases when any street or public place or place of public resort may be thronged or liable to be obstructed ;

(*d*) keep order on and in all streets, quays, wharves, and at and within public bathing, washing and landing places, fairs, temples and all other places of public resort ;

(*e*) regulate and control the playing of music or singing, or the beating of drums, tom-toms and other instruments and the blowing or sounding of horns or other noisy instruments, in or near any street or public place ;

(*f*) make reasonable orders subordinate to and in furtherance of any order made by a competent authority under sections 33, 35, 37 to 40, 42, 43 and 45 of this Act.

Power to prohibit certain acts for prevention of disorder.

37. (*1*) The Commissioner and the District Magistrate in areas under their respective charges may, whenever and for such time as he shall consider necessary for the preservation of public peace or public safety by a notification publicly promulgated or addressed to individuals, prohibit at any town, village or place or in the vicinity of any such town, village or place—

(*a*) the carrying of arms, cudgels, swords, spears, bludgeons, guns, knives, sticks or lathis, or any other article, which is capable of being used for causing physical violence,

(*b*) the carrying of any corrosive substance or of explosives,

(*c*) the carrying, collection and preparation of stones or other missiles or instruments or means of casting or impelling missiles,

(*d*) the exhibition of persons or corpses or figures or effigies thereof,

(*e*) the public utterance of cries, singing of songs, playing of music,

(*f*) delivery of harangues, the use of gestures or mimetic representations, and the preparation, exhibition or dissemination of pictures, symbols, placards or any other object or thing which may in the opinion of such authority offend against decency or morality or undermine the security of or tend to over-throw the State.

(*2*) If any person goes armed with any such article or carries any corrosive substance or explosive or missile in contravention of such prohibition, he shall be liable to be disarmed or the corrosive substance or explosive or missile shall be liable to be seized from him by any Police officer, and the article, corrosive substance, explosive or missile so seized shall be forfeited to the State Government.

(*3*) The authority empowered under sub-section (*1*) may also by order in writing prohibit any assembly or procession whenever and for so long as it considers such prohibition to be necessary for the preservation of the public order :

Provided that no such prohibition shall remain in force for more than fifteen days without the sanction of the State Government.

(*4*) The authority empowered under sub-section (*1*) may also by public notice temporarily reserve for any public purpose any street or public place and prohibit persons from entering the area so reserved, except under such conditions as may be prescribed by such authority.

Power to prohibit, etc., continuance of music, sound or noise.

38. (*1*) If the Commissioner or District Superintendent is satisfied from the report of an officer in charge of a Police Station or other information received by him that it is necessary to do so in order to prevent annoyance, disturbance, discomfort or injury or risk of annoyance, disturbance, discomfort or injury to the public or to any persons who dwell or occupy property in the vicinity, he may, by a written

order issue such directions as he may consider necessary to any person for preventing, prohibiting, controlling or regulating—

(*a*) the incidence or continuance in or upon any premises of—

(*i*) any vocal or instrumental music,

(*ii*) sounds caused by the playing, beating, clashing, blowing or use in any manner whatsoever of any instrument, appliance or apparatus or contrivance which is capable of producing sound, or

(*b*) the carrying on, in or upon, any premises of any trade, avocation or operation resulting in or attended with noise.

(*2*) The authority empowered under sub-section (*1*) may, either on its own motion or on the application of any person aggrieved by an order made under sub-section (*1*), either rescind, modify or alter any such order :

Provided that before any such application is disposed of, the said authority shall afford to the applicant an opportunity of appearing before it either in person or by pleader and showing cause against the order and shall, if it rejects any such application either wholly or in part, record its reasons for such rejection.

Issue of orders for prevention of riot, etc.

39. (*1*) In order to prevent or suppress any riot or grave disturbance of peace, the Commissioner and the District Superintendent, in areas under their respective charges, may temporarily close or take possession of any building or place, and may exclude all or any persons therefrom, or may allow access thereto to such persons only and on such terms as he shall deem expedient. All persons concerned shall be bound to conduct themselves in accordance with such orders as the authority making orders may make and notify in exercise of the authority hereby vested in it.

Compensation to lawful occupier of building or place closed or taken possession of.

(*2*) If the lawful occupier of such building or place suffers substantial loss or injury by reason of the action taken under sub-section (*1*), he shall be entitled, on application made to the authority concerned within one month from the date of such action, to receive reasonable compensation for such loss or injury, unless such action was in the opinion of such authority rendered necessary either by the use to which such building or place was put or intended to be put or by the misconduct of persons having access thereto.

Disputes as to compensation to be settled.

(*3*) In the event of any dispute in any case under sub-section (*2*) the decision of the Chief Presidency Magistrate or the District Magistrate, as the case may be, shall be conclusive as to the amount (if any) to be paid, and as to the person to whom it is to be paid.

Issue of orders for maintenance of order at religious ceremonials, etc.

40. (*1*) In any case of an actual or intended religious or ceremonial or corporate display or exhibition or organised assemblage in any street or public place, as to which or the conduct of or participation in which it shall appear to a competent authority that a dispute or contention exists which is likely to lead to grave disturbance of the peace, such authority may give such orders as to the conduct of the persons concerned towards each other and towards the public as it shall deem necessary and reasonable under the circumstances, regard being had to the apparent legal rights and to any established practice of the parties and of the persons interested. Every such order shall be published in the town or place wherein it is to operate, and all persons concerned shall be bound to conform to the same.

(*2*) Any order under sub-section (*1*) shall be subject to a decree, injunction or order made by a Court having jurisdiction, and shall be recalled or altered on its being made to appear to the authority making the order that such order is

inconsistent with a judgment, decree, injunction or order of such Court, on the complaint, suit or an application of any person interested, as to the rights and duties of any persons affected by the order aforesaid.

Police to provide against disorder, etc., at places of amusement and public meetings.

41. (*1*) For the purpose of preventing serious disorder or breach of the law or manifest and imminent danger to the persons assembled at any public place of amusement or at an assembly or meeting to which the public are invited or which is open to the public, the senior Police officer of highest rank superior to that of constable, present at such place of amusement or such assembly or meeting may, subject to such rules and orders as may have been lawfully made, give such reasonable directions as to the mode of admission of the public to, and for securing the peaceful and lawful conduct of the proceedings and the maintenance of the public safety at such place of amusement or such assembly or meeting, as he thinks necessary and all persons shall be bound to conform to every such reasonable direction.

Police to have free access thereto.

(*2*) The Police shall have free access to every such place of amusement, assembly or meeting, for the purpose of giving effect to the provisions of sub-section (*1*) and to any direction made thereunder.

Discontinuance of brothels.

42. On complaint being made to the District Magistrate or a Sub-Divisional Magistrate that any house in a town or village in his district or sub-division to which the State Government has by notification extended this section is used as a common brothel or lodging house or place of resort for prostitutes or disorderly persons of any description, to the annoyance of the respectable inhabitants of the vicinity, the said Magistrate may summon the owner or tenant of the house to answer the complaint, and on being satisfied that the house is so used may order the owner or tenant, within a reasonable period, which shall be set forth in the order, to discontinue such use of it.

District Magistrate may take special measures to prevent outbreak of epidemic disease at fair, etc.

43. (*1*) Whenever it shall appear to the Commissioner or District Magistrate that any place in the areas under their respective charges, at which, on account of a pilgrimage, fair or other such occurrence, large bodies of persons have assembled or are likely to assemble is visited or will probably be visited with an outbreak of any epidemic disease, he may take such special measures and may by public notice prescribe such regulations to be observed by the residents of the said place and by persons present thereat or repairing thereto or returning therefrom as he shall deem necessary to prevent the outbreak of such disease or the spread thereof.

(*2*) It shall be lawful for the District Magistrate or for the Collector or the Chief Presidency Magistrate on the requisition of the Commissioner or the District Magistrate to assess and levy such reasonable fees on persons falling under the provisions of sub-section (*1*) as will provide for the expenses of the arrangements for sanitation and the preservation of order at and about the place of assemblage.

(*3*) When the place of assemblage is within the limits of a municipality or corporation such sums as shall be necessary for the purposes aforesaid may be recovered from the municipality or corporation.

Destruction of stray dogs.

44. (*1*) The Commissioner and the District Superintendent in areas under their respective charges may from time to time, by public notice, proclaim that any stray dogs found, during such period as may be specified in the said notice,

wandering in the streets or in any public place may be destroyed, and any dog so found within such period may be destroyed accordingly.

(2) The authority empowered under sub-section (1) may by public notice require that every dog, while in any street or public place and not led by some person, shall be muzzled in such a manner as effectually to prevent it from biting, while not obstructing its breathing or drinking, and the Police may, so long as such notice remains in force, destroy, or take possession of and detain, any dog found loose without muzzle in any street or place beyond the premises of the owner thereof:

Provided that any dog so found, wearing a collar on which an apparently genuine name and address of an owner is inscribed, shall not, unless it is rabid, be forthwith destroyed, but information of the detention thereof shall forthwith be sent by post or otherwise to such owner.

(3) Any dog which has been detained under sub-section (2) for a period of three clear days without the owner providing a muzzle and paying all expenses connected with such detention, may be destroyed or sold with the sanction and under the orders of the competent authority.

(4) The proceeds of the sale of any dog under sub-section (3) shall be applied, as far as may be, in discharge of the expenses incurred in connection with its detention, and the balance, if any, shall form part of the consolidated fund of the State.

(5) Any expenses incurred in connection with the destruction or detention of any dog under this section shall, subject to the provisions of sub-section (4), be recoverable from the owner thereof upon a warrant issued by the competent authority as if it were a warrant under section 386 of the Code of Criminal Procedure, 1898. V of 1898.

Destruction of suffering or unfit animals.

45. (1) Any Police officer who in any street or public place other than a place of worship finds any animal other than a bull or a cow so diseased, or so severely injured, and in such a physical condition, that in his opinion it cannot without cruelty be removed, shall, if the owner is absent or refuses to consent to the destruction of the animal, at once summon the Veterinary Practitioner in charge of the area in which the animal is found and, if the Veterinary Practitioner certifies that the animal is mortally injured, or so severely injured, or so diseased, or in such a physical condition, that it is cruel to keep it alive, the Police officer may, without the consent of the owner, destroy the animal or cause it to be destroyed:

Provided that if in the opinion of the Veterinary Practitioner the animal can be removed from the place where it is found without causing it great suffering, and, if the owner or person in charge of the animal or in their absence any other person on the spot is willing and offers to remove the animal to a Veterinary Hospital or Panjrapol within such time as the Veterinary Practitioner considers reasonable, the Veterinary Practitioner shall allow the animal to be removed by such owner, person in charge of the animal or other person. If the owner or person in charge of the animal or such other person is unwilling or fails so to remove the animal, the Veterinary Practitioner may direct the Police officer to remove the animal before it is destroyed from the place where it is found to such other place as he may think fit:

Provided further that when the animal is destroyed in any street or public place it shall, as far as possible, be screened from the public gaze while it is being destroyed.

(2) The State Government may appoint such persons as it thinks fit to be Veterinary Practitioners and may declare the areas of which they shall be in charge for the purposes of this Act.

46. Every power conferred by this Chapter on a District Superintendent not specially empowered by the State Government to exercise that power or on any officer subordinate to him shall be exercised by him subject to the orders of the District Magistrate and all rules, regulations and orders made under this Chapter shall, if made by the Commissioner, be governed by such rules and orders as the State Government may from time to time make in this behalf and, if made by the District Magistrate or the District Superintendent specially empowered in that behalf, shall be subject to the provisions of section 17.

Powers under this Chapter to be exercised by District Superintendent subject to the control of District Magistrate and Commissioner and by District Magistrates subject to the control of State Government.

CHAPTER V.

Special measures for maintenance of public order and safety of State.

I. Employment of additional Police, recovery of cost thereof and of riot compensation—its assessment and recovery.

47. (*1*) The Commissioner or District Superintendent may, on the application of any person, depute any additional number of Police to keep the peace, to preserve order or to enforce any of the provisions of this or any other Act in respect of any particular class or classes of offences or to perform any other Police duties at any place in the area under his charge.

Employment of additional Police on application of a person.

(*2*) Such additional Police shall be employed at the cost of the person making the application, but shall be subject to the orders of the Police authorities and shall be employed for such period as the appointing authority thinks fit.

(*3*) If the person upon whose application such additional Police are employed shall at any time make a written requisition to the appointing authority to which the application for the employment of additional Police was made, for the withdrawal of the said Police, he shall be relieved from the cost thereof at the expiration of such period not exceeding one month from the date of the delivery of such requisition, as the State Government or the appointing authority, as the case may be, shall determine.

48. (*1*) Whenever it appears to the State Government or a competent authority that—

(*a*) any large work which is being carried on or any public amusement which is being conducted is likely to impede the traffic or to attract a large number of people, or

(*b*) that the behaviour or a reasonable apprehension of the behaviour, of the persons employed on any railway, canal or other public work, or in or upon any manufactory or other commercial concern under construction or in operation at any place necessitates the employment of additional Police at such place, the State Government or the competent authority may depute such additional Police to the said place as it shall think fit and keep the said Police employed at such place for so long as such necessity shall appear to it to continue.

Employment of additional police at large works and when apprehension regarding behaviour of employees exists.

(2) Such additional Police shall be employed at the cost of the person by whom the work, amusement, manufactory or concern is being constructed, conducted or carried on and the said person shall pay the costs therefor at such rates as the State Government or the competent authority, as the case may be, shall from time to time require.

Recovery of cost of additional Police employed under sections 47 and 48.

49. In case of any dispute under section 47 or 48 the decision of the Chief Presidency Magistrate, in Greater Bombay, and the District Magistrate, in the district, shall be conclusive as to the amount to be paid and as to the person by whom it is to be paid and the sum so ascertained may, on the requisition of the Chief Presidency Magistrate or the District Magistrate, be recovered by the Collector as if it were an arrear of land revenue due by the person found to be answerable therefor.

Employment of additional Police in cases of special danger to public peace.

50. (1) If in the opinion of the State Government any area is in a disturbed or dangerous condition or in which the conduct of the inhabitants or of any particular section of the inhabitants renders it expedient temporarily to employ additional Police, it may by notification in the *Official Gazette* specify—

(a) the area (hereinafter called "the disturbance area") in which the additional Police is to be employed,

(b) the period for which the additional Police is to be employed :

Provided that the period fixed under clause (b) may be extended by the State Government from time to time, if in its opinion it is necessary to do so in the general interest of the public. The cost of the additional Police shall be a tax imposed under this section and shall be recovered in the manner prescribed in the succeeding sub-sections.

(2) The decision of the State Government under clauses (a) and (b) of sub-section (1) shall be final.

(3) On the issue of such notification, the State Government may require,—

(a) in any disturbance area which is within the limits of a Corporation, the Municipal Commissioner, the Collector or any other authority,

(b) in any disturbance area which is within the limits of a municipality, the municipality, the Collector or any other authority,

(c) in any disturbance area which is outside the areas specified in clauses (a) and (b), the Collector or any other authority,

to recover, whether in whole or in part, the cost of such additional Police generally from all persons who are inhabitants of the disturbance area or specially from any particular section or sections, or class or classes of such persons, and in such proportion as the State Government may direct :

Provided that where the Municipal Commissioner or the Municipality is directed to recover such cost, an additional sum not exceeding 3 per cent. of the amount of such cost shall also be recoverable.

(4) (i) The State Government may require the Municipal Commissioner or the Municipality to recover such cost and the additional sum by an addition to the general or property tax which shall be imposed and levied in all or such of the municipal wards, sub-wards or sections thereof, as the State Government may direct. Every addition to the general or property tax imposed under this sub-section shall be recovered by the Municipal Commissioner or the Municipality from each person liable therefor in the same manner as the general or property tax due from him. The provisions of the relevant Municipal Act shall apply to any such addition as if

it were part of the general or property tax levied under the said Act. Such addition shall be a charge along with the general or property tax, on the properties, in such municipal wards or sub-wards or sections.

(*ii*) The State Government may also require the Municipal Commissioner or the Municipality to recover such cost and the additional sum from each person liable therefor under sub-section (*3*) in such manner as the State Government may direct.

(*iii*) Where the Municipal Commissioner or a Municipality makes default in imposing and levying any such tax or in making such recovery, the State Government may direct the Collector to impose and levy such tax or to make such recovery.

(*5*) Every amount recoverable by the Collector or other authority under this section shall be recoverable as if it were an arrear of land revenue due by the person liable therefor.

(*6*) It shall be lawful for the State Government by order to exempt any person from liability to bear any portion of the cost of such additional Police.

(*7*) Out of the total amount recovered by the Municipal Commissioner or by a Municipality under sub-section (*4*) or (*5*) whether before or after the coming into operation of this Act the amount of the cost shall be paid to the State Government and the balance, if any, shall be credited to the municipal fund constituted under the relevant Municipal Act. Such amount of cost shall be paid to the State Government every three months.

Explanation.—In this section the expression "inhabitants" when used with reference to any area includes persons who themselves or by their agents or servants occupy or hold land or other immovable property within such area and landlords who themselves or by their agents or servants collect rent from holders or occupiers of land in such area notwithstanding that they do not actually reside therein.

Compensation for injury caused by unlawful assembly, how recoverable. Date to be fixed for liability.

51. (*1*) When any loss or damage is caused to any property or when death results or grievous hurt is caused to any person or persons, by anything done in the prosecution of the common object of an unlawful assembly, the State Government may, by notification in the *Official Gazette*, specify—

(*a*) the area, (hereinafter called "the disturbance area"), in which in its opinion such unlawful assembly was held;

(*b*) the date on which or the period during which such unlawful assembly was held.

(*2*) The decision of the State Government under clauses (*a*) and (*b*) of sub-section (*1*) shall be final.

(*3*) On the issue of a notification under sub-section (*1*), the Chief Presidency Magistrate, in Greater Bombay, and the District Magistrate, in Districts, may, after such inquiry as he deems necessary, determine the amount of the compensation which, in his opinion, should be paid to any person or persons in respect of the loss or damage or death or grievous hurt aforesaid. The amount of compensation shall be a tax imposed under this section and shall be recovered in the manner prescribed in the succeeding sub-sections.

(*4*) The Chief Presidency Magistrate or the District Magistrate, as the case may be, may require—

(*a*) in any disturbance area which is within the limits of a Corporation, the Municipal Commissioner, the Collector or any other authority;

(*b*) in any disturbance area which is within the limits of a municipality, the municipality, the Collector or any other authority, and

(*c*) in any disturbance area which is outside the area specified in clauses (*a*) and (*b*), the Collector or any other authority

to recover the amount (hereinafter called "the compensation amount") as determined under sub-section (*3*) either in whole or in part and where the Municipal Commissioner or the Municipality is required to recover such amount, an additional sum not exceeding three per cent. of the compensation amount (hereinafter referred to as "the Municipal recovery cost"), generally from all persons who were inhabitants of the disturbance area or specially from any particular section or sections, or class or classes of such persons in the said area, and in such proportion as the Chief Presidency Magistrate or the District Magistrate may direct.

(*5*) (*i*) The Chief Presidency Magistrate or the District Magistrate, as the case may be, may require the Municipal Commissioner or the Municipality concerned to recover the compensation amount and the municipal recovery cost by an addition to the general or property tax which shall be imposed and levied in the disturbance area. Every addition to the general or property tax imposed under this sub-section shall be recovered by the Municipal Commissioner or the Municipality concerned from each person liable therefor in the same manner as the general or property tax due from him. The provisions of the relevant Municipal Act shall apply to any such addition as if it were part of the general or property tax levied under the relevant Municipal Act. Such addition shall be a charge along with the general or property tax on the properties in the area aforesaid.

(*ii*) The Chief Presidency Magistrate or the District Magistrate, as the case may be, may also require the Municipal Commissioner or the Municipality concerned to recover the compensation amount and the municipal recovery cost from each person liable therefor under sub-section (*4*) in such manner as he may direct.

(*6*) Where a Municipal Commissioner or a Municipality makes a default in imposing and levying any such tax or in making any such recovery, the State Government may direct the Collector to impose and levy such tax or to make such recovery.

(*7*) Every amount recoverable by the Collector or other authority under this section shall be recoverable as if it were an arrear of land revenue due by the person liable therefor.

(*8*) Out of the total amount recovered by the Municipal Commissioner or by a Municipality under sub-section (*5*) or (*7*), whether before or after the coming into operation of this Act, the proportionate amount of the municipal recovery cost shall be deducted therefrom and the amount not exceeding the compensation amount determined by the Chief Presidency Magistrate or the District Magistrate, as the case may be, under sub-section (*3*) shall be paid to him for the payment of compensation to the persons entitled thereto and the balance, if any, shall be credited to the municipal fund constituted under the relevant Municipal Act. Such amount shall be paid to the Chief Presidency Magistrate or the District Magistrate, as the case may be, every three months.

(*9*) It shall be lawful for the Chief Presidency Magistrate or the District Magistrate, as the case may be, by order, to exempt any persons from liability to pay any portion of the compensation amount.

(*10*) The State Government may, (*a*) on its own motion, or (*b*) on an application made by a person within a period of thirty days from the date of the order of the Chief Presidency Magistrate or a District Magistrate, as the case may be, granting or refusing to grant an exemption thereunder, set aside or modify such order.

Explanation.—In this section the expression "inhabitants" when used with reference to any disturbance area includes persons who themselves or by their agents or servants occupy or hold land or other immovable property within such area and landlords who themselves or by their agents or servants collect rent from holders or occupiers of land in such area, notwithstanding that they do not actually reside therein.

Chief Presidency Magistrate or District Magistrate to award or apportion compensation.

52. (*1*) It shall be lawful for the Chief Presidency Magistrate or the District Magistrate, as the case may be, to award or apportion all or any moneys recovered as compensation amount under sub-sections (*3*) to (*8*) of section 51 to any person or among all or any persons whom he considers entitled to compensation in respect of the loss or damage or death or grievous hurt aforesaid.

(*2*) No compensation shall be awarded under this section except upon a claim made within 45 days from the date of the notification issued by the State Government under sub-section (*1*) of section 51 and unless the Chief Presidency Magistrate or the District Magistrate, as the case may be, is satisfied that the person claiming compensation or where such claim is made in respect of the death of any person, that that person also has himself been free from blame in connection with the occurrences which led to the loss, damage, death or grievous hurt as aforesaid.

(*3*) The compensation payable to any person under section 51 in respect of death or grievous hurt shall not in any way be capable of being assigned or charged or be liable to attachment or to pass to any person other than the person entitled to it by operation of law, nor shall any claim be set off against the same.

(*4*) Every direction and order made by the Chief Presidency Magistrate or the District Magistrate, as the case may be, under this or the preceding section shall be subject to revision by the State Government, but save as aforesaid, shall be final.

(*5*) No civil suit shall be maintainable in respect of any loss or injury for which compensation has been granted under this section.

Chief Presidency Magistrate or District Magistrate to discharge functions under orders of State Government.

53. The Chief Presidency Magistrate or the District Magistrate, as the case may be, shall discharge his functions under sections 51 and 52 subject to any general or special orders of the State Government in this behalf.

Bom. LVII of 1947.

Proportionate recovery of the cost of additional Police and compensation for loss caused by unlawful assembly.

54. (*1*) Notwithstanding anything contained in the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947, where under the provisions of section 50 or 51, the Municipal Commissioner, the Municipality or the Collector, as the case may be, is required to recover the cost of the additional police including the additional sum referred to in sub-section (*3*) of section 50 (hereinafter called "the additional cost") or the compensation amount and the municipal recovery cost (hereinafter called "the riot tax") by an addition to the general or property tax, the landlord from whom any portion of the additional cost or the riot tax is recovered, in respect of any premises shall be entitled to recover 75 per cent. of such portion from the tenant in the occupation of the premises during the period fixed under sub-section (*1*) of section 50 or on the date or during the greater part of the period specified under clause (*b*) of sub-section (*1*) of section 51, as the case may be, in the manner specified in sub-section (*2*).

(2) The amount referred to in sub-section (1) and to be recovered from a tenant referred to therein shall bear the same proportion as the rent payable by him in respect of the premises in his occupation bears to the total amount of rent recoverable for the whole premises if let, and the same shall be recoverable from the tenant in not less than four equal instalments.

(3) The provisions of sub-section (1) in so far as they relate to the recovery of the riot tax from the tenants shall not apply to Greater Bombay during the period during which section 10B of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947, is in force in the said area. Bom. LVII of 1947.

II. Dispersal of Gangs and Removal of Persons convicted of certain offences.

Dispersal of gangs and bodies of persons.

55. Whenever it shall appear in Greater Bombay and in other areas in which a Commissioner is appointed under section 7 to the Commissioner and in a district to the District Magistrate, the Sub-Divisional Magistrate or the District Superintendent specially empowered by the State Government in that behalf, that the movement or encampment of any gang or body of persons in the area in his charge is causing or is calculated to cause danger or alarm or reasonable suspicion that unlawful designs are entertained by such gang or body or by members thereof, such officer may, by notification addressed to the persons appearing to be the leaders or chief men of such gang or body and published by beat of drum or otherwise as such officer thinks fit, direct the members of such gang or body so to conduct themselves as shall seem necessary in order to prevent violence and alarm, or disperse and each of them to remove himself outside the area within the local limits of his jurisdiction within such time as such officer shall prescribe, and not to enter the area or return to the place from which each of them was directed to remove himself.

Removal of persons about to commit offence.

56. Whenever it shall appear in Greater Bombay and other areas for which a Commissioner has been appointed under section 7 to the Commissioner and in other area or areas to which the State Government may, by notification in the *Official Gazette*, extend the provisions of this section, to the District Magistrate, or the Sub-Divisional Magistrate specially empowered by the State Government in that behalf (*a*) that the movements or acts of any person are causing or calculated to cause alarm, danger or harm to person or property, or (*b*) that there are reasonable grounds for believing that such person is engaged or is about to be engaged in the commission of an offence involving force or violence or an offence punishable under Chapter XII, XVI or XVII of the Indian Penal Code, or in the abetment of any such offence, and when in the opinion of such officer witnesses are not willing to come forward to give evidence in public against such person by reason of apprehension on their part as regards the safety of their person or property, or (*c*) that an outbreak of epidemic disease is likely to result from the continued residence of an immigrant, the said officer may, by an order in writing duly served on him or by beat of drum or otherwise as he thinks fit, direct such person or immigrant so to conduct himself as shall seem necessary in order to prevent violence and alarm or the outbreak or spread of such disease or to remove himself outside the area within the local limits of his jurisdiction by such route and within such time as the said officer may prescribe and not to enter or return to the said area from which he was directed to remove himself. XLV of 1860.

Removal of persons convicted of certain offences.

57. If a person has been convicted—

(*a*) of an offence under Chapter XII, XVI or XVII of the Indian Penal Code, or XLV of 1860.

(*b*) twice of an offence under section 9 or 23 of the Bombay Beggars Act, 1945, or under the Bombay Prevention of Prostitution Act, 1923, or Bom. XXIII of 1945. Bom. XI of 1923.

(*c*) thrice of an offence within a period of three years under section 4 or 12*A* of the Bombay Prevention of Gambling Act, 1887, or under the Bombay Prohibition Act, 1949. Bom. IV of 1887. Bom. XXV of 1949.

the Commissioner, the District Magistrate or the Sub-Divisional Magistrate specially empowered by the State Government in this behalf, if he has reason to believe that such person is likely again to engage himself in the commission of an offence similar to that for which he was convicted, may direct such person to remove himself outside the area within the local limits of his jurisdiction, by such route and within such time as the said officer may prescribe and not to enter or return to the area from which he was directed to remove himself.

Explanation.—For the purpose of this section "an offence similar to that for which a person was convicted" shall mean—

(*i*) in the case of a person convicted of an offence mentioned in clause (*a*), an offence falling under any of the Chapters of the Indian Penal Code mentioned in that clause, and

(*ii*) in the case of a person convicted of an offence mentioned in clauses (*b*) and (*c*), an offence falling under the provisions of the Acts mentioned respectively in the said clauses.

Period of operation of orders under sections 55, 56 and 57.

58. A direction made under section 55, 56 or 57 not to enter any particular area shall be for such period as may be specified therein and shall in no case exceed a period of two years from the date on which it was made.

Hearing to be given before order under section 55, 56, or 57 is passed.

59. (*1*) Before an order under section 55, 56 or 57 is passed against any person the officer acting under any of the said sections or any officer above the rank of an Inspector authorised by that officer shall inform the person in writing of the general nature of the material allegations against him and give him a reasonable opportunity of tendering an explanation regarding them. If such person makes an application for the examination of any witness produced by him, the authority or officer concerned shall grant such application; and examine such witness, unless for reasons to be recorded in writing, the authority or officer is of opinion that such application is made for the purpose of vexation or delay. Any written statement put in by such person shall be filed with the record of the case. Such person shall be entitled to appear before the officer proceeding under this section by an advocate or attorney for the purpose of tendering his explanation and examining the witnesses produced by him.

(*2*) The authority or officer proceeding under sub-section (*1*) may, for the purpose of securing the attendance of any person against whom any order is proposed to be made under section 55, 56 or 57, require such person to appear before him and to pass a security bond with or without sureties for such attendance during the inquiry. If the person fails to pass the security bond as required or fails to appear before the officer or authority during the inquiry, it shall be lawful to the officer or authority to proceed with the inquiry and thereupon such order as was proposed to to be passed against him may be passed.

Appeal.

60. Any person aggrieved by an order made under section 55, 56 or 57 may appeal to the State Government within thirty days from the date of such order.

Finality of orders passed by State Government in certain cases.

61. Any order passed under section 55, 56 or 57 or by the State Government under section 60 shall not be called in question in any Court except on the ground that the authority making the order or any officer authorised by it had not followed the procedure laid down in sub-section (*1*) of section 59 or that there was no material before the authority concerned upon which it could have based its order or on the ground that the said authority was not of opinion that witnesses were unwilling to come forward to give evidence in public against the person in respect of whom an order was made under section 56.

Procedure on failure of person to leave the area and his entry therein after removal.

62. If a person to whom a direction has been issued under section 55, 56 or 57 to remove himself from an area—

(*i*) fails to remove himself as directed,

or

(*ii*) having so removed himself, except with the permission in writing of the authority making the order, enters the area within the period specified in the order,

the authority concerned may cause him to be arrested and removed in police custody to such place outside the area as the said authority may in each case prescribe.

Temporary permission to enter or return to the area from which a person was directed to remove himself.

63. (*1*) The State Government may, by order, permit any person in respect of whom an order has been made under section 55, 56 or 57, to enter or return for a temporary period to the area from which he was directed to remove himself, subject to such conditions as it may by general or special order specify and which such person accepts and may, at any time, revoke any such permission.

(*2*) In permitting a person under sub-section (*1*) to enter or return to the area from which he was directed to remove himself, the State Government may require him to enter into bond with or without surety for the observance of the conditions imposed.

(*3*) Any person permitted under sub-section (*1*) to enter or return to the area from which he was directed to remove himself shall surrender himself at the time and place and to the authority specified in the order or in the order revoking the said order, as the case may be.

CHAPTER VI.

Executive powers and duties of the Police.

Duties of a Police officer.

64. It shall be the duty of every Police officer—

(*a*) promptly to serve every summons and obey and execute every warrant or other order lawfully issued to him by competent authority, and to endeavour by all lawful means to give effect to the lawful commands of his superior;

(*b*) to the best of his ability to obtain intelligence concerning the commission of cognizable offences or designs to commit such offences, and to lay such information and to take such other steps, consistent with law and with the orders of his superiors, as shall be best calculated to bring offenders to justice or to prevent the commission of cognizable, and within his view of non-cognizable offences;

(*c*) to prevent to the best of his ability the commission of public nuisances;

(*d*) to apprehend without unreasonable delay all persons whom he is legally authorised to apprehend and for whose apprehension there is sufficient reason;

(*e*) to aid another Police officer when called on by him or in case of need in the discharge of his duty, in such ways as would be lawful and reasonable on the part of the officer aided;

(*f*) to discharge such duties as are imposed upon him by any law for the time being in force.

Power to enter places of public resort.

65. (*1*) Every Police officer may, subject to the rules and orders made by the State Government or by a person lawfully authorized, enter for any of the purposes referred to in section 64 without a warrant, and inspect any place of public resort which he has reason to believe is used as drinking shop, or a shop for the sale of intoxicating drugs or a place of resort of loose and disorderly characters.

Power to search suspected persons in a street.

(*2*) When in a street or a place of public resort a person has possession or apparent possession of any article which a Police officer in good faith suspects to be stolen property, such Police officer may search for and examine the same and may require an account thereof, and, should the account given by the possessor be manifestly false or suspicious, may detain such article and report the facts to a Magistrate, who shall thereon proceed according to sections 523 and 525 of the Code of Criminal Procedure, 1898, or other law in force.

V of 1898.

Duties of Police officers towards the public.

66. It shall be the duty of every Police officer—

(*a*) to afford every assistance within his power to disabled or helpless persons in the streets, and to take charge of intoxicated persons and of lunatics at large who appear dangerous or incapable of taking care of themselves;

(*b*) to take prompt measures to procure necessary help for any person under arrest or in custody, who is wounded or sick, and whilst guarding or conducting any such person, to have due regard to his condition;

(*c*) to arrange for the proper sustenance and shelter of every person who is under arrest or in custody;

(*d*) in conducting searches, to refrain from needless rudeness and the causing of unnecessary annoyance;

(*e*) in dealing with women and children, to act with strict regard to decency and with reasonable gentleness;

(*f*) to use his best endeavours to prevent any loss or damage by fire;

(*g*) to use his best endeavours to avert any accident or danger to the public.

Police to regulate traffic, etc. in streets.

67. It shall be the duty of a Police officer—

(*a*) to regulate and control the traffic in the streets, to prevent obstructions therein and, to the best of his ability, to prevent the infraction of any rule or order made under this Act or any other law in force for observance by the public in or near the streets ;

(*b*) to keep order in the streets and at and within public bathing, washing and landing places, fairs, temples and all other places of public resort and in the neighbourhood of places of public worship during the time of public worship ;

(*c*) to regulate resort to public bathing, washing and landing places, to prevent overcrowding thereat and in public ferry-boats and, to the best of his ability, to prevent the infraction of any rule or order lawfully made for observance by the public at any such place or on any such boat.

Persons bound to conform to reasonable orders of Police.

68. All persons shall be bound to conform to the reasonable directions of a Police officer given in fulfilment of any of his duties under this Act.

Power of Police officer to restrain, remove, etc.

69. A Police officer may restrain or remove any person resisting or refusing or omitting to conform to any direction referred to in section 68 and may either take such person before a Magistrate or, in trivial cases, may release him when the occasion is past.

Enforcement of orders issued under section 37, 38 or 39.

70. Whenever a notification has been duly issued under section 37 or an order has been made under section 38 or 39, it shall be lawful for any Magistrate in a District or Police officer to require any person acting or about to act contrary thereto to desist or to abstain from so doing, and, in case of refusal or disobedience, to arrest the person offending. Such Magistrate or Police officer may also seize any object or thing used or about to be used in contravention of such notification, or order as aforesaid, and the thing seized shall be disposed of according to the order of any District Magistrate having jurisdiction at the place.

Duty of Police to see orders issued under section 43, 55, 56 or 57 are carried out.

71. It shall be the duty of the Police to see that every regulation and direction made by any authority under section 43, 55, 56 or 57 is duly obeyed, to warn persons who from ignorance fail to obey the same and to arrest any person who wilfully disobeys the same.

When Police officer may arrest without warrant.

72. Any Police officer may, without any order from a Magistrate and without a warrant, arrest—

(*1*) any person who has been concerned in an offence punishable under section 121 or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists, of his having been concerned in such offence ;

(*2*) any person who contravenes a rule or order under clause (*x*) of sub-section (*1*) of section 33 or an order or notification under section 36, 37, 56 or 57 ;

(*3*) any person who commits an offence punishable under section 122 or section 136.

When Police may arrest without a warrant.

73. Any Police officer may, without an order from a Magistrate and without a warrant, arrest any person committing in his presence any offence punishable under section 3, 3A, 4, 5, 6 or 6C of the Prevention of Cruelty to Animals Act, 1890. XI of 1890.

Powers with regard to offences under Act XI of 1890.

74. When in respect of an animal an offence under section 3 or section 5 or sub-section (*1*) of section 6 of the Prevention of Cruelty to Animals Act, 1890, hereinafter in this section and in sections 75 and 77 referred to as the said Act has been committed, or, when there is a reasonable ground for suspecting that such offence has been committed, a Police officer may— XI of 1890.

(*a*) take the animal to a Magistrate, or

(*b*) if the accused person so requires, take the animal to a veterinary officer, if any, empowered by the State Government in this behalf, or

(*c*) take the animal to an infirmary appointed under sub-section (*2*) of section 6 of the said Act for treatment and detention therein, pending direction of a Magistrate under sub-section (*3*) of the said section, or

(*d*) when the animal is in such a physical condition that it cannot be taken to a veterinary officer or a Magistrate, draw up a report of the condition of the animal in the presence of two or more respectable persons describing such wounds, sores, fractures, bruises, or other marks of injury as may be found on the body of the animal :

Provided that in cases falling under clause (*b*) or (*d*) the Police officer may direct that the animal shall be sent for detention in a dispensary or any suitable place approved by the State Government by general or special order and be there detained until its production before a Magistrate :

Provided further that an animal so detained shall be produced before a Magistrate with the least possible delay and within a period not exceeding three days from the date on which it was sent for detention and shall be handed over to its owner unless the Magistrate passes an order for its further detention in an infirmary.

Power of Magistrate to return animal to person from whose possession it was taken.

75. When an animal is brought before a Magistrate under section 74, the Magistrate may direct the animal to be returned to the person from whose possession it was taken, on such person giving security to the satisfaction of the Magistrate, binding himself to produce the animal when required, or may direct that the animal shall be sent for treatment and care to an infirmary and be there detained as provided in sub-section (*3*) of section 6 of the said Act or may make such order as he thinks fit regarding the disposal or custody and production of the animal.

Veterinary officer to examine the animal.

76. The veterinary officer before whom an animal is brought under section 74 shall with all convenient speed examine the same and draw up a report of such examination. A copy of the report shall be delivered free of charge to the accused person if he applies for it.

Animal to be dealt with under Act XI of 1890.

77. When under section 74 a Police officer directs that an animal shall be sent for detention in a dispensary or any suitable place before its production before a Magistrate or under section 74 a Magistrate directs that an animal shall be sent for treatment and care to an infirmary and be detained therein, the provisions of sub-sections (*5*), (*6*), (*7*) and (*8*) of section 6 of the said Act shall, so far as may be, apply.

Power of Police officer to unsaddle the animal or unload.

78. When a Police officer in good faith suspects that any animal being employed in any work or labour is, by reason of any sore, unfit to be so employed, he may require the person in charge of such animal to unsaddle or unload it for the purpose of ascertaining whether any sore exists and, if such person refuses to do so, may himself unsaddle or unload the animal or may cause the same to be unsaddled or unloaded.

When Police may arrest without warrant.

79. Any Police officer may, without an order from a Magistrate and without a warrant, arrest any person committing in his presence any offence punishable under section 122 or 125 or 130 or under section 117, clause (*i*) of section 135 or clause (*i*), (*iv*) or (*v*) of section 131 in respect of a contravention of a rule made under clause (*b*) of sub-section (*1*) of section 33 prohibiting the occupation of or sale or exposure for sale of any goods on any street or portion thereof so as to cause obstruction to traffic or inconvenience to the public or of any rule made under clause (*h*), (*r*) (*ii*) or (*u*) of sub-section (*1*) of section 33 or of a prohibition given under clause (*a*), (*b*) or (*e*) of sub-section (*1*) of section 37, clause (*i*) of section 100, section 106, 110, 112, 113 or clause (*a*) of section 115.

Other powers of arrest.

80. (*1*) Any Police officer specially empowered in this behalf by a competent authority may arrest without warrant for an offence specified in section 110.

(*2*) Any Police officer may, on the information of any person in possession or charge of any dwelling house, private premises, or land or ground attached thereto, arrest without warrant any person alleged to have committed therein or thereon an offence punishable under section 120.

Refusal to obey warning or to accompany Police.

81. A Police officer may arrest without warrant any person committing in his presence in any street or public place any non-cognizable offence punishable under this Act, or under any rule made thereunder and for which no express provision has been made elsewhere or under any other law for the time being in force, if such person—

(*i*) after being warned by a Police officer persists in committing such offence, or

(*ii*) refuses to accompany the Police officer to a Police Station on being required so to do.

Police to take charge of unclaimed property.

82. (*1*) The Police shall take temporary charge—

(*a*) of all unclaimed property found by, or made over to them, and also

(*b*) of all property found lying in any public street, if the owner or person in charge of such property on being directed to remove the same, refuses or omits to do so.

(*2*) In Greater Bombay the property of which the Police have taken charge under sub-section (*1*) shall be handed over to the Commissioner.

Intestate property over four hundred rupees in value.

83. (*1*) In Greater Bombay if any property of the nature referred to in section 82 appears to have been left by a person who has died intestate, and not to be under four hundred rupees in value, the Commissioner shall communicate with the Administrator General, with a view to its being dealt with under the provisions of the Administrator General's Act, 1913, or other law for the time being in force. III of 1913.

(2) In areas outside Greater Bombay the property shall be delivered to the police-patel, if any, of the town or village in which the same was found, and a receipt therefor taken from the police-patel, who shall forward such property to the Magistrate to whom such police-patel is subordinate. If in any such case there be no police-patel of such town or village, the Police shall forthwith report to such Magistrate as the Magistrate of the district shall, from time to time, appoint in this behalf, and act thereafter as the said first mentioned Magistrate shall direct.

Bom. VIII of 1867.

84. If the property regarding which a report is made to a Magistrate under section 83 or under section 19 of the Bombay Village Police Act, 1867, appears to such Magistrate to have been left by a person who has died intestate and without known heirs and to be likely, if sold in public auction, to realise more than four hundred rupees net proceeds, he shall communicate with the District Judge with a view to its being dealt with under the provisions of section 10 of Bombay Regulation VIII of 1827 (a Regulation to provide for the formal recognition of heirs, etc.), or other law in force. Intestate property over four hundred rupees in value.

85. (1) In any case not covered by section 83 or 84 the Commissioner or the Magistrate concerned, as the case may be, shall issue a proclamation specifying the articles of which such property consists and requiring any person who may have a claim thereto to appear before himself or some other officer whom he appoints in this behalf and establish his claim within six months from the date of such proclamation. Procedure in other cases.

(2) If the property, or any part thereof, is subject to speedy and natural decay, or consists of live-stock, or if the property appears to be of less value than five rupees, it may be forthwith sold by auction under the orders of the Commissioner, or the Magistrate concerned, as the case may be, and the net proceeds of such sale shall be dealt with in the same manner as is hereinafter provided for the disposal of the said property. Power to sell perishable property at once.

86. (1) The Commissioner or the Magistrate concerned, as the case may be, shall, on being satisfied of the title of any claimant to the possession or administration of the property specified in the proclamation issued under sub-section (1) of section 85, order the same to be delivered to him, after deduction or payment of the expenses properly incurred by the Police in the seizure and detention thereof. Delivery of property to person entitled.

(2) The Commissioner or the Magistrate concerned, as the case may be, may, at his discretion, before making any order under sub-section (1), take such security as he may think proper from the person to whom the said property is to be delivered, and nothing hereinbefore contained shall affect the right of any person to recover the whole or any part of the same from the person to whom it may have been delivered pursuant to such order. Power to take security.

87. If no person establishes his claim to such property within the period specified in the proclamation it shall be at the disposal of the State Government, and the property, or such part thereof as has not already been sold under sub-section (2) of section 85, may be sold by auction under the orders of the Commissioner, or the Magistrate concerned, as the case may be. In default of claim, property to be at disposal of State Government.

Procedure not affected by Indian Succession Act or Administrator General's Act or Regulation VIII of 1827.

88. Nothing in the Indian Succession Act, 1925, or in the Administrator General's Act, 1913, shall apply to intestate property which is dealt with by the Commissioner, under sub-section (*1*) of section 85, nor shall the provisions of section 16 of Regulation VIII of 1827 likewise be deemed to apply to intestate property which is dealt with by a Magistrate under sub-section (*1*) of section 85. XXXIX of 1925. III of 1913.

Police officer may take charge of stray cattle.

89. In any area outside Greater Bombay, a Police officer may take charge of any animal falling under the provisions of the Cattle Trespass Act, 1871, which may be found straying in a street, and may take or send the same to the nearest pound, and the owner and other persons concerned shall thereon become subject to the provisions of the said Act. I of 1871.

Power to establish cattle-pounds and appoint pound-keepers.

90. (*1*) In Greater Bombay, the Commissioner and in other areas to which the State Government may by notification in the *Official Gazette* extend the provisions of this section and sections 91, 92, 93 and 94 of this Act, any officer appointed in that behalf by the State Government shall, from time to time, appoint such places as he thinks fit to be public pounds, and may appoint to be keepers of such pounds Police officers of such rank as may be approved by the State Government.

(*2*) Every pound-keeper so appointed shall, in the performance of his duties, be subject to the direction and control of the Commissioner, or such officer as aforesaid.

Impounding of cattle.

91. It shall be the duty of every Police officer, and it shall be lawful for any other person, to seize and take to any such public pound for confinement therein, any cattle found straying in any street or trespassing upon any private or public property in Greater Bombay or in such areas as aforesaid.

Delivery of cattle claimed.

92. If the owner of the cattle impounded under section 91 or his agent appears and claims the cattle, the pound-keeper shall deliver them to him on payment of the pound-fees and expenses chargeable in respect of such cattle under section 94.

Sale of cattle not claimed.

93. (*1*) If within ten days after an animal has been impounded no person appearing to be the owner of such animal offers to pay the pound-fee and expenses chargeable under section 94, such animal shall be forthwith sold by auction, and the surplus remaining after deducting the fee and expenses aforesaid from the proceeds of the sale shall be paid to any person who, within fifteen days after the sale, proves to the satisfaction of such officer as the Commissioner authorises in this behalf or any other officer appointed under section 90 that he was the owner of such animal, and shall, in any other case, form part of the consolidated fund of the State.

(*2*) No Police officer or pound-keeper shall, directly or indirectly, purchase any cattle at a sale under sub-section (*1*).

Rate to be fixed by notification.

94. (*1*) The pound-fee chargeable shall be such as the State Government may, from time to time by notification in the *Official Gazette*, specify for each kind of animal for the whole State or for such area as may be specified in the notification.

(2) The expenses chargeable shall be at such rates for each day during any part of which an animal is impounded, as shall from time to time be fixed by the Commissioner or any officer appointed as aforesaid in respect of such animal.

V of 1898.

Powers as to inspection, search and seizure of false weights and measures.

95. (1) Notwithstanding anything contained in section 153 of the Code of Criminal Procedure, 1898, any Police officer generally or specially deputed, in Greater Bombay, by the Commissioner and elsewhere, by the District Superintendent or any other officer specially empowered in that behalf by the State Government, may without warrant enter any shop or premises for the purpose of inspecting or searching for any weights or measures or instruments for weighing or measuring used or kept therein.

(2) If he finds in such shop or premises weights, measures or instruments for weighing or measuring which he has reason to believe are false, he may seize the same and shall forthwith give information of such seizure to the Magistrate having jurisdiction, and if such weights, measures or instruments shall be found by the Magistrate to be false, they shall be destroyed.

(3) Weights and measures purporting to be of the same denomination as weights and measures, the standards whereof are kept under any law from time to time in force shall, if they do not correspond with the said standards, be deemed to be false within the meaning of this section.

V of 1898.

Procedure to be followed by officers and Magistrates in certain cases.

96. (1) Notwithstanding anything contained in sections 129, 130, sub-section (2) of section 167, and section 173 of the Code of Criminal Procedure, 1898—

(i) the powers and duties of a Magistrate under sections 129 and 130 of that Code may, in Greater Bombay, be exercised and performed by the Commissioner,

(ii) the Presidency Magistrate in Greater Bombay to whom an accused person is forwarded under sub-section (2) of section 167 of the Code, may, whether he has or has not jurisdiction to try the case, from time to time, authorise the detention of the accused in such custody as such Magistrate thinks fit for a term not exceeding fifteen days at a time,

(iii) the officer in charge of the Police station shall forward his report under section 173 of the Code to the Commissioner or such other officer as the Commissioner may direct in that behalf.

V of 1898.

(2) Nothing contained in section 62 of the Code of Criminal Procedure, 1898, shall operate to require any officer in charge of a Police Station in Greater Bombay to submit any report provided for by that section to any Magistrate.

V of 1898.

(3) Sections 127 and 128 of the Code of Criminal Procedure, 1898, in their application to Greater Bombay shall be amended as follows:—

(a) in section 127, for the words "police station" the words "section or any police officer not below the rank of a sub-inspector authorised by the State Government in this behalf" shall be substituted;

(b) in section 128, for the words "police station whether within or without the presidency-towns" the words and figures "section or any police officer authorised under section 127" shall be substituted.

A superior Police Officer may himself perform duties imposed on his inferior, etc.

97. A Police officer of rank superior to that of constable may perform any duty assigned by law or by a lawful order to any officer subordinate to him ; and in case of any duty imposed on such subordinate, a superior where it shall appear to him necessary, may aid, supplement, supersede or prevent any action of such subordinate by his own action or that of any person lawfully acting under his command or authority, whenever the same shall appear necessary or expedient for giving more complete or convenient effect to the law or for avoiding an infringement thereof.

Emergency duties of Police.

98. (*1*) The State Government may, by notification in the *Official Gazette*, declare any specified service to be an essential service to the community :

Provided that such notification shall remain in force for one month in the first instance, but may be extended, from time to time, by a like notification.

(*2*). Upon a declaration being made under sub-section (*1*) and so long as it remains in force, it shall be the duty of every Police officer to obey any order given by any superior officer in relation to employment upon or in connection with the service specified in the declaration ; and every such order shall be deemed to be a lawful order within the meaning and for the purposes of this Act.

CHAPTER VII.

Offences and Punishments.

99. No person shall—

Disregarding the rule of the road.

(*a*) when driving a vehicle along a street and except in cases of actual necessity or of some sufficient reason, for deviation, fail to keep, on the left side of such street and when passing any other vehicle proceeding in the same direction fail to keep on the right side of such vehicle ; or

Leaving cattle, etc., insufficiently tended.

(*b*) leave in any street or public place insufficiently tended or secured any animal or vehicle.

Causing obstruction or mischief by animal.

100. No person shall cause obstruction, damage, injury, danger, alarm or mischief in any street or public place,—

(*i*) by any misbehaviour, negligence or ill-usage in the driving, management, treatment or care of any animal or vehicle ; or

(*ii*) by driving any vehicle or animal laden with timber, poles, or other unwieldy articles through a street or public place contrary to any regulation made in that behalf and published by a competent authority.

Exposing animal for hire or sale, etc.

101. No person shall in any street or public place expose for hire or sale any animal or vehicle, clean any furniture or vehicle, or clean or groom any horse or other animal, except at such times and places as a competent authority permits, or shall train or break in any horse or other animal or make any vehicle or any part of a vehicle, or except when in the case of an accident repairing on the spot is unavoidable, repair any vehicle or part of a vehicle or carry on therein any manufacture or operation so as to be a serious impediment to traffic or a serious annoyance to residents or to the public.

Causing any obstruction in a street.

102. No person shall cause obstruction in any street or public place by allowing any animal or vehicle which has to be loaded or unloaded, or to take up or set down passengers, to remain or stand therein longer than may be necessary for such purpose, or by leaving any vehicle standing or fastening any cattle therein, or using any part of a street or public place as a halting place for vehicles or cattle, or by leaving any box, bale, package or other thing whatsoever in or upon a street for an unreasonable length of time or contrary to any regulation made and published by a competent authority by exposing anything for sale or setting out anything for sale in or upon any stall, booth, board, cask, basket or in any other way whatsoever.

Obstructing a footway.

103. No person shall drive, ride, lead, propel or leave on any footway any animal or vehicle other than a perambulator or fasten any animal so that the same can stand across or upon such footway.

Exhibiting mimetic, musical or other performances, etc.

104. No person shall exhibit, contrary to any regulation made and notified by the Commissioner or a District Magistrate, as the case may be, any mimetic, musical or other performances of a nature to attract crowds, or carry or place bulky advertisements, pictures, figures or emblems in any street or public place whereby an obstruction to passengers or annoyance to the inhabitants may be occasioned.

Doing offensive acts on or near street or public place.

105. No person shall slaughter any animal, clean a carcass or hide, or bathe or wash his person in or near to and within sight of a street or public place (except at a place set apart for the purpose by order of a competent authority) so as to cause annoyance to the neighbouring residents or to passers by.

Letting loose horse, etc. and suffering ferocious dogs to be at large.

106. No person shall in any street or public place (A) negligently let loose any horse or other animal, so as to cause danger, injury, alarm or annoyance, or suffer a ferocious dog to be at large without a muzzle, or (B) set on or urge a dog or other animal to attack, worry or put in fear any person or horse or other animal.

Bathing or washing in places not set apart for those purposes.

107. No person shall bathe or wash in or by the side of a public well, tank, or reservoir not set apart for such purpose by order of a competent authority, or in or by the side of any pond, pool, aqueduct, part of a river, stream, nala or other source or means of water-supply in which such bathing or washing is forbidden by order of the competent authority.

Defiling water in public wells, etc.

108. No person shall defile or cause to be defiled, the water in any public well, tank, reservoir, pond, pool, aqueduct or part of a river, stream, nala or other source or means of water-supply, so as to render the same less fit for any purpose for which it is set apart by the order of the competent authority.

Obstructing bathers.

109. No person shall obstruct or incommode a person bathing at a place set apart for the purpose by the order of the competent authority under section 107 by wilful intrusion or by using such place for any purpose for which it is not so set apart.

Behaving indecently in public.

110. No person shall wilfully and indecently expose his person in any street or public place or within sight of, and in such manner as to be seen from, any street or public place, whether from within any house or building or not, or use indecent language or behave indecently or riotously or in a disorderly manner in a street or place of public resort or in any office, station or station house.

Obstructing or annoying passengers in the street.

111. No person shall wilfully push, press, hustle or obstruct any passenger in a street or public place or by violent movements, menacing gestures, wanton personal annoyance, screaming, shouting, wilfully frightening horses or cattle or otherwise disturb the public peace or order.

Misbehaviour with intent to provoke a breach of the peace.

112. No person shall use in any street or public place any threatening, abusive or insulting words or behaviour with intent to provoke a breach of the peace or whereby a breach of the peace may be occasioned.

Prohibition against flying kite.

113. No person shall fly a kite so as to cause danger, injury or alarm to persons, houses or property.

Begging and exposing offensive ailments.

114. No person shall beg importunately for alms or direct or permit children under his control to beg for alms, or expose or exhibit, with the object of exciting charity, any deformity or disease or any offensive sore or wound, in, or near to, and within sight of, any street.

Committing nuisance in or near street, etc.

115. No person shall in or near to any street, public place or place of public resort—

(*a*) commit a nuisance by easing himself, or

(*b*) having the care or custody of any child under seven years of age suffer such child to commit a nuisance as aforesaid.

Disregard of notice in public building.

116. No person shall, in any Court, Police Station, Police office, building occupied by Government or building occupied by any public body, smoke or spit in contravention of a notice by a competent authority in charge of such place and affixed to such Court, Station, office or building.

Penalties for offenders under sections 99 to 116.

117. Any person who contravenes any of the provisions of sections 99 to 116 (both inclusive) shall, on conviction, be punished with fine which may extend to fifty rupees.

Penalty for failure to keep in confinement cattle, etc.

118. (*1*) In any local area in which the State Government by notification in the *Official Gazette* brings this section into force, whoever through neglect or otherwise fails to keep in confinement or under restraint between one hour after sunset and sunrise any cattle which are his property or in his charge shall, on conviction, be punished with fine which may extend to one hundred rupees or on a second or any subsequent conviction, with fine which may extend to five hundred rupees or with imprisonment which may extend to six months or with both.

Explanation.—Cattle shall not be deemed to be kept in confinement within the meaning of this sub-section unless they are effectively confined within a fence, wall or other enclosure and shall not be deemed to be kept under restraint within the meaning of this sub-section unless they are restrained by means of a rope or other attachment.

(2) Any person may seize any cattle not being kept in confinement or under restraint as required by this section and may take or send the same to the nearest cattle-pound, and the owner and other persons concerned shall thereon become subject to the provisions of the Cattle Trespass Act, 1871. All officers of Police and all police patels and all members of the village police shall, when required, aid in preventing resistance to such seizures and rescues from persons making such seizures.

1 of 1871.

(3) Any fine imposed under this section, may without prejudice to any other means of recovery provided by law, be recovered by sale of all or any of the cattle in respect of which the offence was committed, whether they are the property of the person convicted of the offence or were only in his charge when the offence was committed.

Punishment for cruelty to animals.

119. Whoever in any place outside Greater Bombay cruelly beats, goads, overworks, ill-treats or tortures or causes or procures to be cruelly beaten, goaded, over-worked, ill-treated or tortured any animal, shall, on conviction, be punished with imprisonment which may extend to one month or with fine which may extend to one hundred rupees, or with both.

Wilful trespass.

120. Whoever without satisfactory excuse wilfully enters or remains in or upon any dwelling house or premises or any land or ground attached thereto, or on any ground, building, monument or structure belonging to Government or appropriated to public purposes, or on any boat or vessel, shall, on conviction, whether he causes any actual damage or not, be punished with fine which may extend to twenty rupees.

False alarm of fire or damage to fire-alarm.

121. Whoever knowingly gives or causes to be given a false alarm of fire to the fire brigade of a municipality or corporation or to any officer or fireman thereof whether by means of a street fire-alarm, statement, message or otherwise, or, with intent to give such false alarm, wilfully breaks the glass of, or otherwise damages a street fire-alarm, shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one hundred rupees or with both.

Being found under suspicious circumstances between sunset and sunrise.

122. Whoever is found between sunset and sunrise—

(*a*) armed with any dangerous instrument with intent to commit an offence, or

(*b*) having his face covered, or otherwise disguised, with intent to commit an offence, or

(*c*) in any dwelling-house or other building, or on board any vessel or boat without being able satisfactorily to account for his presence there, or

(*d*) lying or loitering in any street, yard or other place, being a reputed thief and without being able to give a satisfactory account of himself, or

(*e*) having in his possession without lawful excuse (the burden of proving which excuse shall be on such person) any implement of house-breaking,

shall, on conviction, be punished with imprisonment for a term which may extend to three months.

Carrying weapon without authority.

123. Whoever not being a member of the armed forces of the Union and acting as such or a Police officer, goes armed with any sword, spear, bludgeon, gun or other offensive weapon or with any explosive or corrosive substance in any street or public place unless so authorised by lawful authority, shall be liable to be disarmed by any Police officer, and the weapon or substance so seized shall be forfeited to the State Government, unless redeemed within two months by payment of such fine not exceeding five hundred rupees as the Commissioner or the District Magistrate in areas under their respective charges imposes.

Possession of property of which no satisfactory account can be given.

124. Whoever has in his possession or conveys in any manner, or offers for sale or pawn, anything which there is reason to believe is stolen property or property fraudulently obtained, shall, if he fails to account for such possession or to act to the satisfaction of the Magistrate, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one hundred rupees or with both.

Taking spirits into public hospital

125. Whoever—

(*a*) takes or introduces, or attempts to take or introduce, any spirits or spirituous or fermented liquors or intoxicating drugs or preparations into any public hospital without the permission of a medical officer of such hospital, or

or into barracks or on boards of vessels of war.

(*b*) not being amenable to the Articles of War takes or introduces, or attempts to take or introduce, any such spirits, liquors, drugs or preparations not belonging to any person above the rank of a non-commissioned officer,

(*i*) into the barracks or buildings occupied by the troops composing the Garrison of Bombay or into any military barracks, guard-rooms or encampments, or

(*ii*) on board or alongside of any vessel of war belonging to Government,

shall, on conviction, be punished with imprisonment for a term which may extend to two months, or with fine which may extend to one hundred rupees, or with both and such spirits, liquor, drugs or preparations and the vessels containing the same, shall be forfeited to the State Government.

Omission by pawn-brokers etc. to report to Police possession or tender of property suspected to be stolen.

126. Whoever, being a pawn-broker, dealer in second-hand property, or worker in metals, or reasonably believed by the Commissioner, or District Superintendent in the areas under their respective charges to be such a person, and having received from a Police officer written or printed information that the possession of any property suspected to have been transferred by any offence mentioned in section 410 of the Indian Penal Code, or by any offence punishable under section 417, 418, 419 or 420 of the said Code, is found in possession or thereafter comes into the possession, or has an offer either by way of sale, pawn, exchange, or for custody, alteration or otherwise howsoever, made to him, of property answering the description contained in such information, shall, unless— XLV of 1860.

(*i*) he forthwith gives information to the Commissioner, or the District Superintendent, as the case may be, or at a Police station of such possession or offer and takes all reasonable means to ascertain and to give information as aforesaid of the name and address of the person from whom the possession or offer was received, or

(*ii*) the property being, as an article of common wearing apparel or otherwise, incapable of identification from the written or printed information given, has been in no way concealed after the receipt of such information,

on conviction, be punished with fine which may extend to fifty rupees in respect of each such article of property so in his possession or offered to him.

Melting, etc., of such property.

127. Whoever, having received such information as is referred to in section 126, alters, melts, defaces or puts away or causes or suffers to be altered, melted, defaced or put away without the previous permission of the Police any such property, shall, on proof that the same was stolen property within the meaning of section 410 of the Indian Penal Code, or property in respect of which any offence punishable under section 417, 418, 419 or 420 of the said Code has been committed, be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

XLV of 1860.

Taking pledge from child.

128. Whoever takes from any child not appearing to be above the age of fourteen years any article whatsoever as a pawn, pledge or security for any sum of money lent, advanced or delivered to such child, or without the knowledge and consent of the owner of the article buys from such child any article whatsoever, shall, on conviction, be punished with fine which may extend to one hundred rupees.

Permission of disorderly conduct at places of public amusement, etc.

129. Whoever, being the keeper of any place of public amusement or entertainment, knowingly permits drunkenness or other disorderly behaviour or any gaming whatsoever, in such place, shall, on conviction, be punished with a fine which may extend to one hundred rupees.

Cheating at games.

130. Whoever, by any fraud or unlawful device or malpractice in playing at or with cards, dice or other game, or in taking a part in the stakes or wagers, or in betting on the sides or hands of the players, or in wagering on the event of any game, sport, pastime or exercise, wins from any other person, for himself or any other or others, any sum of money or valuable thing, shall be deemed guilty of cheating within the meaning of section 415 of the Indian Penal Code, and be liable to punishment accordingly.

XLV of 1860.

Penalty for contravening rules, etc., under section 33.

131. (*a*) Whoever contravenes any rule or order made under section 33 or contravenes any of the conditions of a licence issued under any such rule or order, or,

(*b*) abets the commission of any offence under clause (*a*), shall, on conviction, be punished—

(*i*) if the rule or order under which the said licence was issued was made under clause (*d*), (*g*), (*h*), (*i*), sub-clauses (*i*) and (*ii*) of clause (*r*) or clause (*u*) of sub-section (*1*) of section 33, with imprisonment for a term which may extend to eight days or with fine which may extend to fifty rupees or with both;

(*ii*) if the rule or order contravened was made under clause (*x*) of sub-section (*1*) of section 33, with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both;

(*iii*) if the rule or order contravened or the rule or order under which the said licence was issued was made under clauses (*n*) and (*o*) of sub-section (*1*) of section 33 with fine which may extend to two hundred rupees;

(*iv*) if the rule or order contravened was made under clause (*b*) of sub-section (*1*) of section 33 and prohibits the sale or exposure for sale of any goods on any street or portion thereof so as to cause obstruction to traffic or incovenience to the public—

(*a*) for the first offence, with imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees or with both, and

(*b*) for a subsequent offence, with imprisonment for a term which may extend to six months and with fine which may extend to five hundred rupees; and

(*v*) if the rule or order contravened or the rule or order under which the said licence was issued was made under any other clause, with fine which may extend to fifty rupees.

Penalty for disobedience to order under section 31.

132. Whoever contravenes, disobeys, opposes, or fails to conform to an order under section 31 requiring him to vacate any premises, shall, on conviction, be punished with imprisonment which may extend to three months or with fine which may extend to five hundred rupees or with both.

Penalty for contravening rules, etc., under section 35.

133. Whoever contravenes any rule made under section 35 shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to two hundred rupees or with both.

Penalty for contravention of rule, etc., under section 36.

134. Whoever contravenes, disobeys, opposes or fails to conform to any order given by a Police officer under section 36 shall, on conviction, be punished with fine which may extend to two hundred rupees.

Penalty for contravention of rules or directions under section 37, 39 or 40.

135. Whoever disobeys an order lawfully made under section 37, 39 or 40 or abets the disobedience thereof shall, on conviction, be punished—

(*i*) if the order disobeyed or of which the disobedience was abetted was made under sub-section (*1*) of section 37 or under section 39, or section 40, with imprisonment for a term which may extend to one year but shall not except for reasons to be recorded in writing, be less than four months and shall also be liable to fine, and

(*ii*) if the said order was made under sub-section (*2*) of section 37, with imprisonment for a term which may extend to one month or with fine which may extend to one hundred rupees, and

(*iii*) if the said order was made under sub-section (*3*) of section 37, with fine which may extend to one hundred rupees.

Penalty for contravening rules, etc., made under section 38.

136. Whoever disobeys any direction lawfully made under section 38 or abets the disobedience thereof shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

137. Whoever opposes or fails to conform to any direction given by the Police under section 41 shall, on conviction, be punished with fine which may extend to two hundred rupees. Penalty for contravening rules, etc., made under section 41.

138. Whoever fails to comply with an order made under section 42 shall, on conviction, be punished with fine which may extend to twenty-five rupees for every day that such order continues to be disobeyed by him. Penalty for failure to comply with order under section 42.

139. Whoever contravenes or abets the contravention of any regulation made under section 43 shall, on conviction, be punished with imprisonment which may extend to three months or with fine which may extend to two hundred rupees, or with both. Penalty for contravention of a regulation made under section 43.

140. Whoever opposes or fails to conform to any direction given by the Police under section 68 or abets the opposition or failure to do so shall, on conviction, be punished with fine which may extend to fifty rupees. Penalty for contravening directions under section 68.

141. Whoever opposes or disobeys or fails to conform to any direction issued under section 55, 56 or 57 or abets opposition to or disobedience of any such direction shall, on conviction, be punished with imprisonment which may extend to one year but shall not, except for reasons to be recorded in writing, be less than four months, and shall also be liable to fine. Penalty ... contravention of directions under section 55, 56 or 57.

142. Notwithstanding anything contained in section 62 any person who, in contravention of a direction issued to him under section 55, 56 or 57 enters the area from which he was directed to remove himself shall, on conviction, be punished with imprisonment for a term which may extend to two years, but shall not, except for reasons to be recorded in writing, be less than six months, and shall also be liable to fine. Penalty for entering area from which person has been directed to remove himself.

143. Whoever fails without sufficient cause to surrender in accordance with sub-section (3) of section 63 shall, on conviction, be punished with imprisonment which may extend to two years and shall also be liable to fine. Penalty for failure to surrender in accordance with sub-section (3) of section 63.

144. Any person who having been appointed a Special Police officer under section 21 shall, without sufficient cause, neglect or refuse to serve as such or to obey any lawful order or direction that may be given to him for the performance of his duties, shall, on conviction, be punished with fine which may extend to fifty rupees. Neglect or refusal to serve as Special Police officer.

145. (1) Any person who makes a false statement or uses a false document for the purpose of obtaining employment or release from employment as a Police officer, or Penalty for making false statement, etc., and for misconduct of Police officers.

(2) any Police officer who (a) is guilty of cowardice, or (b) resigns his office or withdraws himself from duties thereof in contravention of section 29, or (c) is guilty of any wilful breach or neglect of any provision of law or of any rule or order which as such Police officer, it is his duty to observe or obey, or (d) is guilty of any violation of duty for which no punishment is expressly provided by any other law in force,

shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

Consequence of failure to return to duty after leave.

(3) A Police officer who being absent on leave fails, without reasonable cause, to report himself for duty on the expiration of such leave shall, for the purpose of clause (b) of sub-section (2), be deemed to withdraw himself from the duties of his office within the meaning of section 29.

Penalty for failure to deliver up certificate of appointment or of office or other article.

146. Any Police officer, who wilfully neglects or refuses to deliver up his certificate of appointment or of office or any other article, in accordance with the provision of sub-section (1) of section 30, shall, on conviction, be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

Vexatious entry, search, arrest, etc., by Police officer.

147. Any Police officer who—

(a) without lawful authority or reasonable cause enters or searches, or causes to be entered or searched, any building, vessel, tent or place;

(b) vexatiously and unnecessarily seizes the property of any person;

(c) vexatiously and unnecessarily detains, searches or arrests any person;

(d) offers any unnecessary personal violence to any person in his custody, or

(e) holds out any threat or promise not warranted by law,

shall for every such offence, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, or with both.

Penalty for vexatious delay in forwarding a person arrested.

148. Any Police officer who vexatiously and unnecessarily delays forwarding any person arrested to a Magistrate or to any other authority to whom he is legally bound to forward such person, shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, or with both.

Penalty for opposing or not complying with direction given under section 70.

149. Whoever opposes or fails forthwith to comply with any reasonable direction given by a Magistrate or a Police officer under section 70 or abets opposition thereto or failure to comply therewith, shall, on conviction, be punished with imprisonment for a term which may extend to one year but shall not except for reasons to be recorded in writing be less than four months and shall also be liable to fine.

Jurisdiction when offender is a Police officer above the rank of constable.

150. Offences against this Act, when the accused person or any one of the accused persons is a Police officer above the rank of a constable, shall not be cognizable except by a Presidency Magistrate or a Magistrate not lower than a second class Magistrate.

Prosecution for certain offences against the Act to be in the discretion of the Police.

151. It will not, except in obedience to a rule or order made by the State Government or by the competent authority, be incumbent on the Police to prosecute for an offence punishable under section 117, 119, 131, 134, 137, 139, 140 or 144 when such offence has not occasioned serious mischief and has been promptly desisted from on warning given.

152. Nothing in this Act shall be construed to prevent any person from being prosecuted and punished under any other enactment for any offence made punishable by this Act or from being prosecuted and punished under this Act for an offence punishable under any other enactment : Prosecution for offences under other enactments not affected.

Provided that all such cases shall be subject to the provisions of section 403 of the Code of Criminal Procedure, 1898. V of 1898.

CHAPTER VIII.

Miscellaneous.

153. All fees paid for licences or written permissions issued under this Act, and all sums paid for the service of processes by Police officers, and all rewards, forfeitures and penalties or shares thereof which are by law payable to Police officers as informers, shall, save in so far as any such fees or sums belong under the provisions of any enactment in force to any local authority, be credited to the State Government : Disposal of fees, rewards, etc.

Provided that with the sanction of the State Government, or under any rule made by the State Government in that behalf, the whole or any portion of any such reward, forfeiture or penalty may, for special services, be paid to a Police officer, or be divided amongst two or more Police officers.

154. No municipal or other local rates shall be payable by the State Government on account of the occupation or use of any house or place in any area other than Greater Bombay by members of the Police Force for the convenient performance of their duties. No municipal or other rates to be payable by State Government on Police-buildings.

155. Any order or notification published or issued by the State Government or by a Magistrate or officer under any provision of this Act, and the due publication or issue thereof, may be proved by the production of a copy thereof in the *Official Gazette*, or of a copy thereof signed by such Magistrate or officer, and by him certified to be a true copy of an original published or issued according to the provisions of the section of this Act applicable thereto. Method of proving orders and notifications.

156. No rule, order, direction, adjudication, inquiry or notification made or published, and no act done under any provision of this Act or of any rule made under this Act, or in substantial conformity to the same, shall be deemed illegal, void, invalid or insufficient by reason of any defect of form or any irregularity of procedure. Rules and orders not invalidated by defect of form or irregularity in procedure.

157. Notwithstanding anything contained in any law for the time being in force, in a prosecution for an offence for the contravention of a direction issued under section 55, 56 or 57 on the production of an authentic copy of the order, it shall, until the contrary is proved and the burden of proving which shall lie on the accused, be presumed— Presumption in prosecutions for contravention of directions issued under section 55, 56, or 57.

(*a*) that the order was made by the authority competent under this Act to make it;

(*b*) that the authority making the order was satisfied that the grounds on or the purpose for which it was made existed, and that it was necessary to make the same; and

(*c*) that the order was otherwise valid and in conformity with the provisions of this Act.

Forfeiture of bond entered into by person permitted to enter or return to the area from which he was directed to remove himself.

158. If any person permitted under sub-section (*1*) of section 63 fails to observe any condition imposed under the said sub-section or in the bond entered into by him under sub-section (*2*) of the said section his bond shall be forfeited and any person bound thereby shall pay the penalty thereof or show cause to the satisfaction of the Court why such penalty should not be paid.

No Magistrate or Police officer to be liable to penalty or damage for act done in good faith in pursuance of duty.

159. No Magistrate or Police officer shall be liable to any penalty or to payment of damages on account of an act done in good faith, in pursuance or intended pursuance of any duty imposed or any authority conferred on him by any provision of this Act or any other law for the time being in force or any rule, order or direction made or given therein.

No public servant liable as aforesaid for giving effect in good faith to any rule, order or direction issued with apparent authority.

160. No public servant or person duly appointed or authorised shall be liable to any penalty or to payment of any damages for giving effect in good faith to any such order or direction issued with apparent authority by the State Government or by a person empowered in that behalf under this Act or any rule, order or direction made or given thereunder.

Suits or prosecutions in respect of acts done under colour of duty as aforesaid not to be entertained, or to be dismissed, if not instituted within six months.

161. (*1*) In any case of alleged offence by the Commissioner, a Magistrate, Police officer or other person, or of a wrong alleged to have been done by such Commissioner, Magistrate, Police officer or other person, by any act done under colour or in excess of any such duty or authority as aforesaid, or wherein it shall appear to the Court that the offence or wrong if committed or done was of the character aforesaid, the prosecution or suit shall not be entertained, or shall be dismissed, if instituted, more than six months after the date of the act complained of.

In suits as aforesaid one month's notice of suit to be given with sufficient description of wrong complained of.

(*2*) In the case of an intended suit on account of such a wrong as aforesaid, the person intending to sue shall be bound to give to the alleged wrong-doer one month's notice at least of the intended suit with a sufficient description of the wrong complained of, failing which such suit shall be dismissed.

(3) The plaint shall set forth that a notice as aforesaid has been served on the defendant and the date of such service, and shall state whether any, and if any, what tender of amends has been made by the defendant. A copy of the said notice shall be annexed to the plaint endorsed or accompanied with a declaration by the plaintiff of the time and manner of service thereof. Plaint to set forth service of notice and tender of amends.

162. (1) Any licence or written permission granted under the provisions of this Act shall specify the period and locality for which, and the conditions and restrictions subject to which, the same is granted, and shall be given under the signature of the competent authority and such fee shall be charged therefor as is prescribed by any rule under this Act in that behalf. Licences and written permissions to specify conditions, etc., and to be signed.

(2) Any licence or written permission granted under this Act may at any time be suspended or revoked by the competent authority, if any of its conditions or restrictions is infringed or evaded by the person to whom it has been granted, or if such person is convicted of any offence in any matter to which such licence or permission relates. Revocation of licences, etc.

(3) When any such licence or written permission is suspended or revoked, or when the period for which the same was granted has expired, the person to whom the same was granted shall, for all purposes of this Act, be deemed to be without a licence or written permission, until the order for suspending or revoking the same is cancelled, or until the same is renewed, as the case may be. When licence revoked, etc. grantee to be deemed without licence.

(4) Every person to whom any such licence or written permission has been granted, shall, while the same remains in force, at all reasonable time, produce the same, if so required by a Police officer. Grantee to produce licence, etc., when required.

Explanation.—For the purpose of this section any such infringement or evasion by, or conviction of, a servant or other agent acting on behalf of the person to whom the licence or written permission has been granted shall be deemed to be infringement or evasion by, or as the case may be, conviction of, the person to whom such licence or written permission has been granted.

163. Any public notice required to be given under any of the provisions of this Act shall be in writing under the signature of a competent authority and shall be published in the locality to be affected thereby, by affixing copies thereof in conspicuous public places, or by proclaiming the same with beat of drums, or by advertising the same in such local newspapers,—English or regional language or Hindi,—as the said authority may deem fit, or by any two or more of these means and by any other means it may think suitable. Public notices how to be given.

164. Whenever under this Act, the doing or the omitting to do anything or the validity of anything depends upon the consent, approval, declaration, opinion or satisfaction of a competent authority, a written document signed by a competent authority purporting to convey or set forth such consent, approval, declaration, opinion or satisfaction shall be sufficient evidence thereof. Consent, etc., of a competent authority may be proved by writing under his signature.

165. Every licence, written permission, notice or other document, not being a summons or warrant or search warrant, required by this Act, or by any rule thereunder, to bear the signature of the Commissioner, shall be deemed to be properly signed if it bears a facsimile of his signature stamped thereon. Signature on notices, etc., may be stamped.

166. (1) In the case of any rule or order made by the State Government under an authority conferred by this Act and requiring the public or a particular class of persons to perform some duty or act, or to conduct or order themselves or those under their control in a manner therein described, it shall be competent to any person interested to apply to the State Government by a memorial given to a Secretary to the State Government to annul, reverse or alter the rule or order aforesaid on the ground of its being unlawful, oppressive or unreasonable. Persons interested may apply to State Government to annul, reverse or alter any rule or order.

When a suit shall lie to the District Court to declare a rule or order unlawful.

(2) After such an application as aforesaid and the rejection thereof wholly or in part or after the lapse of four months without an answer to such application or a decision thereon published by the State Government, it shall be competent to the person interested and deeming the rule or order contrary to law to institute a suit against the State for a declaration that the rule or order is unlawful either wholly or in part. The decision in such suit shall be subject to appeal; and a rule or order finally adjudged to be unlawful shall by the State Government be annulled or reversed or so altered as to make it conformable to law.

Repeal and saving.

167. (1) The enactments specified in Schedule I are hereby repealed:

Provided that—

(i) All rules prescribed, appointments made, powers conferred, orders made or passed, directions and certificates issued, consent, permit, permission or licences given, summons or warrants issued or served, persons arrested or detained or discharged on bail or bond, search warrants issued, bond forfeited, penalty incurred under any such enactment shall, so far as they are consistent with this Act, be deemed to have been respectively prescribed, made, conferred, given, passed, served, arrested, detained, discharged, forfeited and incurred thereunder.

(ii) All references made in any Bombay Act to any of the Acts hereby repealed shall be read as if made to the corresponding provision of this Act.

(2) Nothing in sub-section (1) shall be deemed to affect—

(a) the validity, invalidity, effect or consequence of anything done or suffered to be done in an area before the date on which the provisions of this Act come into force in such area;

(b) any right, privilege, obligation or liability already acquired, accrued or incurred before such date;

(c) any penalty, forfeiture or punishment incurred or inflicted in respect of any act before such date;

(d) any investigation, legal proceeding or remedy in respect of such right, privilege, obligation, liability, penalty, forfeiture or punishment;

(e) any legal proceeding pending in any Court or before any officer on the aforesaid date or anything done or suffered to be done in the course of such proceedings; and any such proceeding or any appeal or revisional proceedings arising out of such proceeding shall be instituted, continued or disposed of, as the case may be, as if this Act had not come into force.

(3) The enactment specified in Schedule III in its application to the State of Bombay, is hereby amended to the extent and in the manner mentioned in the fourth column thereof.

Saving of Bombay Village Police Act and enactment relating to reserve Police.

168. Nothing in this Act shall affect the provisions of the Bombay Village Police Act, 1867, or any enactment which may be made in regard to the reserve Police. Bom. VIII of 1867.

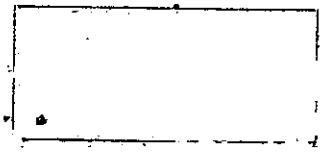
SCHEDULE I.

[*See* Sections 3 and 5 and sub-section (1) of section 167.]

Year.	No.	Short title.
1	2	3
1890	IV	The Bombay District Police Act, 1890.
1902	IV	The City of Bombay Police Act, 1902.
1949	XVI	The Police Forces (Control and Direction) Act, 1949.

SCHEDULE II.

(*See* section 14.)



CERTIFICATE

OF

APPOINTMENT IN THE POLICE FORCE.

No. .....

STATE OF BOMBAY.

Certificate of Appointment issued under the Bombay Police Act of 1951 .....
.....
Act of 1861.

(Photograph to be affixed in the case of Inspectors and Sub-Inspectors.)

Mr.....
has been appointed as ..... and is invested with the powers, functions and privileges of a Police officer under the Bombay Police Act of 1951
Act V of 1861

In the Greater Bombay / Bombay District Police / Railway Police.

On the ..... day of 19

Signature.....

Designation.....

SCHEDULE III.

(*See* sub-section (3) of section 167.)

Year.	No.	Short title.	Amendment.
1	2	3	4
1898	V	Code of Criminal Procedure.	In clause (*a*) of sub-section (2) of section 1 of the Act— (i) for the words "towns of Calcutta, Madras and Bombay", the words "towns of Calcutta and Madras" shall be substituted; (ii) for the words "towns of Calcutta and Bombay" the words "town of Calcutta" shall be substituted.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

[To be translated into Marathi, Gujarati, Kannada and Hindi (in Devnagari script and the translations to be published in the "Bombay Government Gazette". The dates of publication to be reported.]

The following report of the Select Committee of the Bombay Legislative Assembly on the Bill to consolidate and amend the law for the regulation of the Police Force in the State of Bombay and the Bill as amended by the Select Committee are, in accordance with the provisions of sub-rule (3) of rule 88 of the Bombay Legislative Assembly Rules, published for general information :—

L. A. BILL No. XLIII OF 1950.

A Bill to consolidate and amend the law for the regulation of the Police Force in the State of Bombay.

REPORT OF THE SELECT COMMITTEE.

We, the members of the Select Committee appointed to consider L. A. Bill No. XLIII of 1950 (The Bombay Police Bill, 1950), have the honour to report as follows :—

Clause 2.—In sub-clause (7), we have added the words "or deemed to be constituted" after the word "constituted", as after certain States were merged in the State of Bombay, municipalities existing in those States were deemed to have been constituted under the Bombay District Municipal Act, 1901, or the Bombay Municipal Boroughs Act, 1925, as the case may be.

In sub-clause (17), we have omitted the word "wheeled"; and added the word "rickshaw" after the word "tricycle".

We have made some formal amendments in other sub-clauses of this clause.

Clause 6.—In sub-clause (2) (*b*), for the words "such powers, functions and duties and such responsibilities and authority", we have substituted the words "any of the powers, functions, duties and responsibilities and the authority".

Clause 8.—We are of opinion that in sub-clause (1) the words "or the parts of a District" and the words "Superintendents and such" are unnecessary and should be omitted.

Clause 10.—We think that the power of appointing Deputy Commissioners and Assistant Commissioners of Police should also be available in areas where Commissioners have been appointed under clause (*a*) of section 7. We have accordingly amended the clause by adding the words "or in any area in which a Commissioner has been appointed under clause (*a*) of section 7".

Clause 12.—We have revised this clause to make its meaning clear.

Clause 13.—We have also revised this clause to make it clear that the Commissioner for Greater Bombay can exercise the powers of a Presidency Magistrate in Greater Bombay under the provisions of the Code of Criminal Procedure, 1898, specified in the section. Similarly, the Inspector General and the other Commissioners shall exercise the powers of a First Class Magistrate in other areas in their respective charges.

Clause 15.—We have revised this clause to make its meaning clear. We have made it clear that a Police Officer who is suspended does not cease to be a Police Officer notwithstanding his suspension.

Clause 17.—We have omitted the words "command and" which occur in sub-clauses (1) and (2). We have omitted sub-clause (3) of this clause.

Clause 18.—We do not think that it is necessary to retain this clause in the Bill. The purpose of this clause can be served by executive instructions.

Clause 28 (*revised clause* 27).—In our opinion, there is no necessity for providing the punishment of confinement in the case of any Police Officer. We were also informed that the powers existing under the old Acts for meting out this punishment have not been frequently used. We have, however, provided in this clause that an order of punishment passed against a Police Officer shall be appealable.

Clause 31 (*revised clause* 30).—The words "for the execution of the office" do not convey the intention correctly. We have, therefore, substituted for the said words, the words "for the performance of duties and functions connected with his office".

Clause 38 (*revised clause* 37).—We have amended paragraph (*f*) in sub-clause (1) of this clause so as to make it consistent with article 19 (1) of the Constitution.

Clauses 51 *and* 52 (*revised clauses* 50 *and* 51).—We have carefully considered the objections raised to these clauses both on the ground of legality and propriety. In our opinion, these objections are not sustainable. We have, however, redrafted both the clauses to make it clear that the imposition of the punitive police as well as the riot tax shall be restricted to the disturbance area. We are of opinion that the decision in this matter should rest with the State Government.

We have also provided that the order of exemption under the said clauses shall be passed or be revisable by the State Government.

Clause 53 (*revised clause* 52).—Alterations have been made in this clause to make the clause consistent with the alterations made in clause 52 (revised clause 51).

Clause 55 (*revised clause* 54).—Alterations have been made in this clause also to make it consistent with those made in clauses 51 (revised clause 50) and 52 (revised clause 51). We have inserted a provision that the portion of the punitive police cost as well as the riot tax to be recovered from tenants shall be recovered in not less than four equal instalments. This addition is on the lines of a provision inserted in the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947, by the Bombay Amending Act No. LIII of 1950.

Clause 58 (*revised clause* 57).—We have amended this clause to provide that no order of externment can be passed against a person convicted of offences mentioned in this clause unless the officer passing the order has reason to believe that the person is likely to engage himself again in the commission of similar offences. We have provided that an order under this clause shall not be limited to persons who are not the residents of any particular area in the State.

Clause 59 (*revised clause* 58).—We have made it clear in this clause that the maximum period of an order to be made under clauses 56 (revised clause 55), 57 (revised clause 56) and 58 (revised clause 57) shall be two years.

Clause 60 (*revised clause* 59).—We have amended this clause to provide that during the inquiry under sub-clause (1), the person against whom an order is proposed to be passed under the preceding clauses should not be arrested or detained but should be required to furnish a security bond with or without sureties for his attendance. On his failure to do so, the officer may proceed with the inquiry and thereafter such order as was proposed to be passed against the person may be passed.

Clause 65 (*revised clause* 64).—We think that it is necessary to insert the words "without unreasonable delay" in sub-clause (*d*) of this clause.

Clauses 84 *and* 85 (*revised clauses* 83 *and* 84).—In view of the changed circumstances we think that both in Greater Bombay and in districts the claim, if any, to intestate property coming into the hands of Police and exceeding Rs. 400 in value should be determined under the Administrator General's Act, 1913, or the Bombay Regulation VIII of 1827, as the case may be. Below that limit the Commissioner of Police in Bombay and the District Magistrates in districts shall dispose of such property according to the procedure provided in the Bill.

Clause 95 (*revised clause* 94).—In sub-clause (1), we have added the words "from time to time" after the word "may" where it occurs for the first time. In view of this amendment, we do not think that the proviso is any longer necessary and we have omitted it.

Clause 155.—We propose to omit this clause as the village police do not come within the scope of this Act.

Clause 158 (*revised clause* 156).—We propose to omit the words "or publication" in this clause as in our opinion an irregularity in the publication of any of the rules and orders which are required to be published in a particular manner should not be any way condoned.

Clause 161 (*revised clause* 159).—We have redrafted this clause to provide that the officers referred to therein will be entitled to indemnity even in cases where they are acting in pursuance of any law other than the Police Act.

Clause 162 (*revised clause* 160).—We have inserted reference in this clause to orders and directions made under the Police Act.

We have made verbal changes in clauses 2, 3, 4, 5, 7, 11, 14, 16, 26 (revised clause 25), 27 (revised clause 26), 30 (revised clause 29), 34 (revised clause 33), 35 (revised clause 34), 36 (revised clause 35), 37 (revised clause 36), 38 (revised clause 37), 44 (revised clause 43), 45 (revised clause 44), 46 (revised clause 45), 48 (revised clause 47), 49 (revised clause 48), 56 (revised clause 55), 57 (revised clause 56), 63 (revised clause 62), 64 (revised clause 63), 70 (revised clause 69), 73 (revised clause 72), 87 (revised clause 86), 88 (revised clause 87), 96 (revised clause 95), 97 (revised clause 96), 101 (revised clause 100), 102 (revised clause 101), 103 (revised clause 102), 106 (revised clause 105), 108 (revised clause 107), 109 (revised clause 108), 110 (revised clause 109), 112 (revised clause 111), 124 (revised clause 123), 126 (revised clause 125), 128 (revised clause 127), 132 (revised clause 131), 133 (revised clause 132), 134 (revised clause 133), 135 (revised clause 134), 136 (revised clause 135), 137 (revised clause 136), 138 (revised clause 137), 139 (revised clause 138), 140 (revised clause 139), 141 (revised clause 140), 142 (revised clause 141), 143 (revised clause 142), 144 (revised clause 143), 150 (revised clause 149), 165 (revised clause 163), 169 (revised clause 167).

(Signed) MORARJI DESAI.

(,,) DINKERRAO N. DESAI.

(,,) Y. B. CHAVAN.

(,,) H. P. SHUKLA.

(,,) M. M. PATEL.

(,,) MUSTAFA FAKIH.

(,,) C. J. SUTARIA.

(,,) H. R. PARDIVALA.

(,,) K. B. DUNDUR.

(,,) G. S. SAJJAN.

(,,) PURSHOTTAM TRIKAMDAS
(subject to a minute of dissent).

(Minute of Dissent by Shri Purshottam Trikamdas, M.L.A.)

I regret to have to differ from my other colleagues on the Select Committee.

Clause 33 (1) (*o*):—The power in this sub-section is too wide in so far as it gives the power to prescribe the route and time for processions. This power would empower the Police to prohibit in effect certain processions under the pretence of regulating the route and time, e.g., if a procession is intended to go from a particular place to Chowpatty so as to reach there at 6 p.m. if the order prohibits it to pass along the proposed route before 7 p.m., such an order would in effect prohibit the procession. I do not mind reasonable directions being given if public convenience or interest so demand but the proposed sections go too far. The same remarks apply to clause 36 (*a*) and (*b*) and clause 37 (3).

Clause 50 gives the power to impose punitive Police, for the cost of such additional police is to be recovered from the inhabitants of the localities concerned. Past experience shows that in the wake of punitive police follows terrorization and oppression of the whole population for the sins of a few. The liability again is vicarious and is opposed to article 20 of the Constitution as it seeks to impose a penalty on the population at large for no specific offence.

Regarding the compensation clauses there would be no objection to compensation being paid by Government since it is the primary duty of Government to protect person and property.

Regarding Part II of Chapter V dealing with externment these clauses are contrary to article 19 (1) (*d*) and (*e*) which guarantee the freedom to move and settle in any part of the territory of India, and the clauses do not come under the exceptions provided by article 19 (4). Even assuming that there is no constitutional bar, I am opposed to the clauses in this Part as it is fundamentally wrong for the authorities of any area to attempt to pass on the bad coin to their neighbours. Crime and criminal activities in the country are not lessened by transferring the responsibility to the shoulder of neighbouring authority.

I particularly want to draw attention to the lengths to which these clauses go. Clause 57 gives the power to extern a person who has been convicted of an offence under Chapter XII, XVI or XVII of the Indian Penal Code. If the officers mentioned therein have reason to believe that such person is likely again to engage himself in the commission of an offence similar to that for which he was convicted. These Chapters of the Penal Code deal with offences against coinage, person and property and cover major portion of offences under the Code. Some of the offences may be of a trivial nature. To extern a person who may have been guilty of an offence may be tantamount to uprooting him permanently from his surroundings and certainly to punishing him again for the offence for which he has already paid the penalty. These provisions are not only contrary to accepted principles of justice but are positively wicked and inhuman and cannot be condemned too strongly.

I also feel that the Clauses in this Part of Chapter V offend against Clause 20 of the Constitution.

5th February 1951. (Signed) PURSHOTTAM TRIKAMDAS.

Note.—**Deletions made by the Select Committee are shown in square brackets and additions are shown in italics.**

L. A. BILL No. XLIII OF 1950.

A Bill to consolidate and amend the law for the regulation of the Police Force in the State of Bombay.

(As amended by the Select Committee.)

WHEREAS it is expedient to amalgamate the District and Greater Bombay Police Forces in the State of Bombay into one common Police Force and to introduce uniform methods regarding the working and control of the said Force throughout the State; And whereas it is necessary to consolidate and amend the law relating to the regulation of the said Force and the exercise of powers and performance of functions by the State Government and by the members of the said Force for the maintenance of public order; And whereas it is necessary to provide for certain other purposes hereinafter appearing; It is hereby enacted as follows:—

CHAPTER I.

Preliminary.

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Police Act, 195[0] *1*.

(*2*) It extends to the whole of the State of Bombay.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, specify in this behalf.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "cattle" includes elephants, camels, horses, asses, mules, sheep, goats and swine;

Bom. (*2*) "Corporation" means [the] *a* Corporation constituted under the Bombay Municipal Corporation Act or the Bombay Provincial Municipal Corporation Act, 1949;

Bom. LIX of 1949.

(*3*) the expression "competent authority" when used with reference to the exercise or performance of any power, duty or function under the provisions of this Act, means—

(*a*) in relation to Greater Bombay, and other areas for which a Commissioner of Police is appointed under section 7, the Commissioner,

(*b*) in relation to the areas other than those referred to in clause (*a*), the District Magistrate or the District Superintendent or the Additional Superintendent when specially empowered in that behalf by the State Government;

(*4*) "constable" means a police officer of the lowest grade;

(*5*) "district" means a territorial division constituting a district for the purposes of the Code of Criminal Procedure, 1898, but does not include Greater Bombay;

V of 1898.

(*6*) " Inspector-General ", " Additional Inspector-General ", " Commissioner ", " Deputy Inspector-General ", " Deputy Commissioner ", " Assistant Commissioner ", " District Superintendent ", " Additional Superintendent ", " Assistant Superintendent ", and " Deputy Superintendent " mean respectively the Inspector-General of Police, the Additional Inspector-General of Police, a Commissioner of Police including an Additional Commissioner of Police, a Deputy Inspector-General of Police, a Deputy Commissioner of Police, an Assistant Commissioner of Police, a District Superintendent of Police, an Additional Superintendent of Police, an Assistant Superintendent of Police, and a Deputy Superintendent of Police appointed or deemed to be appointed under this Act ;

(*7*) " municipality " means a municipality constituted *or deemed to be constituted* under the Bombay Municipal Boroughs Act, 1925, or the Bombay District Municipal Act, 1901 ;

Bom. XVIII of 1925. Bom. III o 1901

(*8*) " place " includes a building, a tent, a booth or other erection, whether permanent or temporary, or any area whether enclosed or open ;

(*9*) " place of public amusement " means any place where music, singing, dancing, or any diversion or game, or the means of carrying on the same, is provided and to which the public are admitted either on payment of money or with the intention that money may be collected from those admitted and includes a race course, circus, theatre, music hall, billiard room, bagatelle room, gymnasium, fencing school, swimming pool or dancing hall ;

(*10*) " place of public entertainment " means any place to which the public are admitted, and where any kind of food or drink is supplied for consumption on the premises by any person owning or having an interest in or managing such place and includes a refreshment room, eating-house, coffee-house, liquor-house, boarding house, lodging house, hotel, tavern or wine, beer, spirit, arrack, toddy, ganja, bhang or opium shop ;

(*11*) " Police officer " means any member of the Police Force appointed or deemed to be appointed under this Act and includes a special or an additional Police officer appointed under section [22] *21* or [23] *22*.

(*12*) " prescribed " means prescribed by rules ;

(*13*) " public place " includes the foreshore, the precincts of every public building or monument, and all places accessible to the public for drawing water, washing or bathing or for the purpose of recreation ;

(*14*) " rules " means rules made under this Act ;

(*15*) " street " includes any highway, bridge, way over a causeway, viaduct, arch, quay, or wharf [of] *or* any road, lane, footway, square, court, alley or passage accessible to the public, whether a thoroughfare or not ;

(*16*) " subordinate ranks " means members of the Police Force [of and] below the rank of the Inspector ;

(*17*) " vehicle " means any carriage, cart, van, dray, truck, hand cart or other [wheeled] conveyance of any description and includes a bicycle, *a* tricycle, *a rickshaw, an* automatic car, a vessel or an aeroplane.

CHAPTER II.

Superintendence, control and organisation of the Police Force.

3. There shall be one Police Force for the whole of the State : One Police Force for the whole State.

Provided that the members of the Police Forces constituted under any of the Acts mentioned in [the] Schedule I, immediately before the coming into force of this Act, shall be deemed to be the members of the said Police Force.

4. The superintendence of the Police Force throughout the State vests in and is exercisable by the State Government and any control, direction or supervision exercisable by any officer over any member of the Police Force shall be exercisable subject to such superintendence. *Superintendence of Police Force to vest in the State Government.*

5. Subject to the provisions of this Act— Constitution of Police Force.

(*a*) the Police Force shall consist of such number in the several ranks and have such organization and such powers, functions and duties as the State Government may by general or special order determine;

(*b*) the recruitment, pay, allowances and all other conditions of service of the Police Force shall be such as may from time to time be determined by the State Government by general or special order :

Provided that—

(*i*) the rules or orders governing the recruitment, pay, allowances and other conditions of service of the members of the Police Force constituted under any of the Acts mentioned in Schedule I and deemed to be the members of the Police Force under section 3 shall continue in force until altered or cancelled under clause (*b*) [of this section],

(*ii*) nothing in this clause shall apply to the recruitment, pay, allowances and other conditions of service of the members of the Indian Police and Indian Police Service.

6. (*1*) For the direction and supervision of the Police Force, the State Government shall appoint an Inspector-General of Police who shall exercise such powers and perform such functions and duties and shall have such responsibilities and such authority as may be provided by or under this Act or orders made by the State Government. Inspector-General, Additional and Deputy Inspector-General.

(*2*) (*a*) The State Government may appoint an Additional Inspector-General and one or more Deputy Inspectors-General of Police.

(*b*) The State Government may direct that [such] *any of the* powers, functions, [and] duties, and [such] responsibilities and *the* authority of the Inspector-General may be exercised, performed or discharged, as the case may be, by the Additional Inspector-General or a Deputy Inspector-General.

(*c*) The State Government may also by a general or special order direct that the Additional Inspector-General or Deputy Inspector-General shall assist and aid the Inspector-General in the performance, exercise and discharge of his powers, functions, duties, responsibilities and authority in such manner and to such extent as may be specified in the order.

Commissioner.

7. (*a*) The State Government may appoint a Police officer to be the Commissioner of Police for Greater Bombay or any other area specified in a notification issued by the State Government in this behalf and published in the *Official Gazette*.

(*b*) The State Government may also appoint an Additional Commissioner of Police for the areas specified in clause (*a*).

(*c*) The Commissioner shall exercise such powers, perform such functions and duties and shall have such responsibilities and authority as [is] *are* provided by or under this Act or as may otherwise be directed by the State Government by a general or special order :

Provided that the State Government may direct that any of the powers, functions, duties, responsibilities or authority exercisable or to be performed or discharged by the Commissioner shall be exercised, performed or discharged subject to the control of the Inspector-General :

Provided further that the area for which a Commissioner has been appointed, under this section shall not, unless otherwise provided by or under this Act, be under the charge of the District Magistrate or the District Superintendent for any of the purposes of this Act, notwithstanding the fact that such area forms part of a district within the territorial jurisdiction for which [the] *a* District Magistrate or [the] *a* District Superintendent may have been appointed.

Appointment of District, Additional, Assistant and Deputy Superintendents.

8. (*1*) The State Government may appoint for each District or for a part of a District or for one or more Districts [or the parts of a District] a Superintendent and one or more Additional, [Superintendents and such] Assistant and Deputy Superintendents of Police, as it may think expedient.

(*2*) The State Government may, by a general or special order, empower an Additional Superintendent to exercise and perform in the district for which he is appointed or in any part thereof, all or any of the powers, functions or duties to be exercised or performed by a District Superintendent under this Act or under any law for the time being in force.

(*3*) The District Superintendent may, with the previous permission of the State Government, delegate any of the powers and functions conferred on him by or under this Act to an Assistant or Deputy Superintendent.

Principal, Central Police Training School, Nasik.

9. The State Government may appoint any Police Officer not below the rank of a District Superintendent to be the Principal of the Central Police Training School, Nasik, and may assign to him such powers, functions and duties, as it may think fit.

Deputies and Assistants to Commissioner.

10. (*1*) The State Government may appoint one or more Deputy Commissioners and one or more Assistant Commissioners of Police in Greater Bombay *or in any area in which a Commissioner has been appointed under clause* (*a*) *of section 7*.

(*2*) Every such Deputy or Assistant Commissioner shall, under the orders of the Commissioner, exercise and perform any of the powers, functions and duties of the Commissioner to be exercised or performed by him under the provisions of this Act or any other law for the time being in force, in accordance with the general or special orders of the State Government made in this behalf:

Provided that the powers to be exercised by the Commissioner under section 13 or [34] *33* shall not be exercisable by a Deputy or Assistant Commissioner.

11. (*1*) The State Government may appoint for Greater Bombay such number of Superintendents of Police as it may think expedient. Superintendent in Greater Bombay.

(*2*) [The] *A* Superintendent appointed under sub-section (*1*) shall exercise such powers and perform such duties and functions as can be exercised or performed under the provisions of this Act or any other law for the time being in force or as are assigned to him by the Commissioner under the general or special orders of the State Government :

Provided that the powers to be exercised by the Commissioner under section 13 or [34] *33* shall not be exercisable by the Superintendent.

[12. (*1*) Subject to the control of the State Government, the Commissioner for Greater Bombay shall — [Constitution of divisions and sections.]

(*a*) constitute within the Greater Bombay such and so many Police divisions,

(*b*) sub-divide the same into so many and such sections as to him shall seem fit, and

(*c*) define the limits and extent of such divisions and sections.

(*2*) Each such division shall be in charge of a Superintendent of Police and each section shall be in charge of Inspector of Police.] [Officers in charge of divisions and sections.]

12 (1) Subject to the control of the State Government, the Commissioner for Greater Bombay shall, if he thinks fit,— *Constitution of divisions and sections.*

(a) constitute within the Greater Bombay, Police divisions,

(b) sub-divide the same into sections, and

(c) define the limits and extent of such divisions and sections.

(2) Each such division shall be in charge of a Superintendent of Police and each section shall be in charge of an Inspector of Police. *Officers in charge of divisions and sections.*

[13. (*1*) The Commissioner for Greater Bombay shall have the powers of the Presidency Magistrate in Greater Bombay and the Inspector-General in districts and the other Commissioners in areas under their respective charge shall exercise the powers of the First Class Magistrate under sections 94, 96, 97, 98, 523, 524 and 525 of the Code of Criminal Procedure, 1898, subject to such conditions and limitations as may be imposed by the State Government. [Inspector-General and Commissioner to exercise the powers of First Class Magistrate and Presidency Magistrate.]

(*2*) Such powers may be exercised for the purpose of any investigation or other proceeding under this Act or the Code of Criminal Procedure, 1898.]

[V of 1898.]

13. Subject to the conditions and limitations as may be imposed by the State Government, the powers under sections 94, 96, 97, 98, 105, 523, 524 and 526 of the Code of Criminal Procedure, 1898, may be exercised— *Inspector General and Commissioner to exercise the powers of First Class Magistrate and Presidency Magistrate.*

V of 1898.

(1) in districts, by the Inspector General as a First Class Magistrate;

(2) in Greater Bombay, by the Commissioner for Greater Bombay as a Presidency Magistrate; and

(3) in areas under their respective charges, by other Commissioners as First Class Magistrates.

Certificate of appointment.

14. (*1*) Every Police officer of and below the grade of Inspector, shall on appointment receive a certificate in form provided in [the] Schedule [III] *II*. The certificate shall be issued under the seal of such officer as the State Government may by general or special order direct.

(*2*) A certificate of appointment shall become null and void whenever the person named therein ceases to belong to the Police Force or shall remain inoperative during the period within which such person is suspended from such Force.

[Effect of suspension on Police officer.]

[**15.** The powers, functions and privileges invested in a Police officer shall be temporarily suspended, whilst such Police officer is suspended from office. Such Police officer shall not, by reason of such suspension, cease to be a Police officer, but shall continue subject to the same authorities, as if no such suspension had taken place.]

Effect of suspension of Police officer.

15. The powers, functions and privileges vested in a Police officer shall remain suspended whilst such Police officer is under suspension from office:

Provided that notwithstanding such suspension such person shall not cease to be a Police officer and shall continue to be subject to the control of the same authorities to which he would have been, if he was not under suspension.

General powers of Commissioner and District Superintendent.

16. The Commissioner, subject to the orders of the Inspector-General, and the District Superintendent, subject to *the* orders of the Inspector-General and the District Magistrate, shall, within their respective spheres of authority, direct and regulate all matters of arms, drill, exercise, observation of persons and events, mutual relations, distribution of duties, study of laws, orders and modes of proceedings and all matters of executive detail or the fulfilment of their duties by the Police Force *under him*.

Control of District Magistrate over Police Force in district.

17. (*1*) The District Superintendent and the Police Force of a district shall be under the [command and] control of the District Magistrate.

(*2*) In exercising such [command and] control the District Magistrate shall be governed by such rules and orders as the State Government may make in this behalf.

[(*3*) The Inspector-General shall be bound, in the rules and orders issued by him under this Act, to give furtherance to the purposes of sub-section (*1*).]

[Additional Police Force.]

[**18.** If at any time the District Magistrate or the Commissioner considers that there is, or on any particular occasion will be, pressing need for a Police Force that cannot be furnished by the Police Force in his own district or in the areas under their respective charge, as the case may be, he shall communicate with the Inspector-General. The Inspector-General shall, as far as possible, and subject to the orders of the State Government comply with the requisition of the District Magistrate or the Commissioner.]

[19.] *18.* The District Magistrate may require from the District Superintendent reports, either particular or general, on any matter connected with the crimes, habitual offenders, the prevention of disorder, the regulation of assemblies and amusements, the distribution of the Police Force, the conduct and character of any Police officer subordinate to the District Superintendent, the utilization of auxiliary means and all other matters in furtherance of his control of the Police Force and the maintenance of order. Power of District Magistrate to require reports from District Superintendent.

[20.] *19.* If the District Magistrate observes any marked incompetence or unfitness for the locality or for his particular duties, in any Police officer subordinate to the District Superintendent, he may require the District Superintendent to substitute another officer for any officer whom he has power to transfer and the District Superintendent shall be bound to comply with the requisition : Power of supervision by District Magistrates.

Provided that if the Police officer concerned is an officer of the grade of the Inspector or of a higher grade, the District Magistrate may report his conduct to the Inspector-General. The Inspector-General may, thereafter, determine the action to be taken and pass such orders as he thinks fit, and shall communicate such action or order to the District Magistrate.

[21.] *20.* The Inspector-General, throughout the State and the Commissioner in the area for which he is appointed, shall, subject to the orders of the State Government, have authority to investigate and regulate all matters of account connected with the Police in the State or in the area, as the case may be, and all persons concerned shall be bound to give him reasonable aid and facilities in conducting such investigations and to conform to his orders consequent thereto. Power of Inspector-General and Commissioner to investigate, and regulate matters of Police accounts.

[22.] *21.* (*1*) The Commissioner, the District Superintendent, or any Magistrate not lower in rank than that of second class specially empowered in this behalf by the State Government, may, at any time by a written order signed by himself and sealed with his own seal appoint any able-bodied male person between the ages of 18 and 50, whom he considers fit to be a Special Police officer to assist the Police Force on any occasion, when he has reason to apprehend the occurrence of any riot or grave disturbance of the peace within the limits of his charge, and he is of opinion that the ordinary Police Force is not sufficient for the protection of the inhabitants and for the security of property. Special Police officers.

(*2*) Every special Police officer so appointed shall on appointment—

(*a*) receive a certificate in a form approved by the State Government in this behalf,

(*b*) have the same powers, privileges and immunities and be liable to the same duties and responsibilities and be subject to the same authorities as an ordinary Police officer.

[23.] *22.* (*1*) Additional Police officers of such rank or grade for such time and on such pay as the authority specified by or under the provisions of this Act in that behalf may determine, may be employed or deputed for the purpose stated in such provisions. Appointment of additional Police.

(*2*) Every additional Police officer appointed, shall on appointment—

(*a*) receive a certificate in a form approved by the State Government in this behalf,

(*b*) be vested with all or such of the powers, privileges and duties of a Police officer as are specially mentioned in the certificate ; and

(*c*) be subject to the orders of the Commissioner or the District Superintendent, as the case may be.

(*3*) The employment or deputation of such additional Police officer may be made at the request of any person requiring such Police and the cost of such employment shall be recovered in such manner as is provided by or under this Act or under any other law for the time being in force.

Chapter III.

Regulation, Control and Discipline of the Police Force.

Framing of rules for administration of the Police.

[24.] *23.* Subject to the orders of the State Government, the Commissioner in the case of the Police Force allocated to Greater Bombay and other areas for which he has been appointed and the Inspector-General in the case of the Police Force allocated to other areas may make rules or orders not inconsistent with this Act or with any other enactment for the time being in force—

(*a*) regulating the inspection of the Police Force by his subordinates ;

(*b*) determining the description and quantity of arms, accoutrements, clothing and other necessaries to be furnished to the Police ;

(*c*) prescribing the places of residence of members of the Police Force ;

(*d*) for institution management and regulation of any Police fund for any purpose connected with police administration ;

(*e*) regulating, subject to the provisions of section 17, the distribution, movements and location of the Police ;

(*f*) assigning duties to Police officers of all ranks and grades, and prescribing—

(*i*) the manner in which, and

(*ii*) the conditions subject to which, they shall exercise and perform their respective powers and duties ;

(*g*) regulating the collection and communication by the Police of intelligence and information ;

(*h*) generally, for the purpose of rendering the Police efficient and preventing abuse or neglect of their duties.

Inspector-General or Commissioner may call for returns.

[25.] *24.* (*1*) The Inspector-General may, subject to the rules and orders of the State Government, call for such returns, reports and statements on subjects connected with the suppression of crime, the maintenance of order and the performance of their duties as his subordinates may be able to furnish to him. The Inspector-General shall communicate to the District Magistrate any general orders issued by him for the purposes aforesaid or in consequence of the information furnished to him, and also any orders which the State Government may direct.

(*2*) The Commissioner may subject as aforesaid with reference to the area under his charge call for such reports, returns and statements as are provided for in sub-section (*1*).

Punishment of the members of the subordinate ranks of the Police Force departmentally for neglect of duty, etc.

[26.] *25.* (*1*) The State Government, or any officer authorised by sub-section (*2*) in that behalf, may suspend, reduce, dismiss or remove any member of the subordinate ranks of the Police Force whom he shall think cruel, perverse, remiss or negligent in the discharge of his duty or unfit for the same, and may fine to an amount not exceeding one month's pay, any member of the subordinate ranks of the Police Force, who is guilty of any breach of discipline or misconduct or any act rendering him unfit for the discharge of his duty, which does not require his suspension or dismissal.

Punitive powers of Inspector-General, Commissioner, Deputy Inspector-General and District Superintendent.

(*2*) (*a*) The Inspector-General, the Commissioner and the Deputy Inspector-General shall have authority to punish any member of the subordinate ranks [of the Police Force of and below the grade of Inspector] under sub-section (*1*). A District Superintendent shall have the like authority in respect of any Police officer subordinate to him below the grade of Inspector and may suspend an Inspector who is subordinate to him pending inquiry into a grave complaint against such Inspector and until an order of the Inspector-General or Deputy Inspector-General can be obtained.

(*b*) The Principal of the Central Police Training School, Nasik, shall also have the like authority in respect of any member of the subordinate ranks of the Police Force below the grade of Inspector serving under him, and in respect of head constables

and constables belonging to the Police Force of the Nasik District or of any other district attached to the said school for duty under him. He may also suspend an Inspector who is subordinate to him, pending inquiry into a grave complaint against such Inspector and until an order of the Inspector-General or Deputy Inspector-General can be obtained.

(*c*) [But] The exercise of any power conferred by this sub-section shall be subject always to such rules and orders as may be made by the State Government in that behalf.

(*3*) Nothing in sub-sections (*1*) and (*2*)—

(*a*) shall affect any Police officer's liability to a criminal prosecution for any offence with which he may be charged; or

(*b*) shall entitle any authority subordinate to that by which the Police officer was appointed, to dismiss or remove him.

Procedure to be observed in awarding punishment.

[27.] *26.* When any officer passes an order for fining, suspending, reducing, removing or dismissing a Police officer, he shall record such order or cause the same to be recorded, together with the reasons therefor and a note of the inquiry made, in writing, under his signature:

Provided that no such order shall be passed without giving him a reasonable opportunity of showing cause against the action proposed to be taken against him except in cases referred to in the proviso (*a*) to clause [(*a*)] (*2*) of Article 311 of the Constitution.

[Departmental punishment for insubordination.]

[28. (*1*) The Inspector-General, the Commissioner, the Deputy Inspector-General and any District Superintendent and any Assistant or Deputy Superintendent may punish by confinement for a period not exceeding three days any Police officer below the rank of head constable who is, in his presence, grossly insubordinate or who is insolent to him.

(*2*) Every order for punishing a Police officer as aforesaid shall be recorded in the manner prescribed in section 27, and a copy of every such order made by a District Superintendent or an Assistant or Deputy Superintendent shall be forwarded by him to his immediate superior.]

Appeals from orders of punishment.

27. An appeal against any order passed against a Police officer under section 25 or the rules or orders thereunder shall lie to the State Government itself or to such officer as the State Government may by general or special order specify.

Police-officers to be deemed to be always on duty and to be liable to employment in any part of the State.

[29.] *28.* (*1*) Every Police officer not on leave or under suspension shall for all purposes of this Act be deemed to be always on duty, and any Police officer or any number or body of Police officers allocated for duty in one part of the State may, if the State Government or the Inspector-General so directs, at any time be employed on Police duty in any other part of the State for so long as the services of the same may be there required.

Intimation of proposed transfers to be given by the Inspector-General to the Commissioner and District Magistrate.

(*2*) Timely intimation shall, except in cases of extreme urgency, be given to the Commissioner and the District Magistrate by the Inspector-General of any proposed transfer under this section, and, except, where secrecy is necessary, the reasons for the transfer shall be explained; whereupon the officers aforesaid and their subordinates shall give all reasonable furtherance to such transfer.

Under what conditions Police officer may resign.

[30.] *29.* (*1*) [Unless] *Except* with the written permission of the Commissioner or the Deputy Inspector-General, Criminal Investigation Department, or of the Principal of the Central Police Training School, Nasik, or of the District Superintendent or of some other Police officer empowered by the Inspector-General or the Commissioner to grant such permission, no Police officer of the subordinate

ranks shall resign his office or withdraw himself from the duties thereof, until (*a*) the expiration of two months after written notice of his intention so to do has been given by him to any of the aforesaid officers to whom he is subordinate and until, (*b*) he has fully discharged any debt due by him as such Police officer to Government or to any Police fund.

(*2*) If any such Police officer produces a certificate signed by the Police Surgeon or the Civil Surgeon declaring him to be unfit by reason of disease or mental or physical incapacity for further service in the Police, the necessary written permission to resign shall forthwith be granted to him on his discharging or giving satisfactory security for the payment of any debt due by him as such Police officer, to Government or to any Police fund.

Arrear of pay of a Police officer contravening this section may be forfeited.

(*3*) If any such Police officer as aforesaid resigns or withdraws himself from the duties of his office in contravention of this section, he shall be liable on the order of the Commissioner, or the Deputy Inspector-General, Criminal Investigation Department, or of the Principal of the Central Police Training School, Nasik, or of the District Superintendent, as the case may be, to forfeit all arrears of pay then due to him. This forfeiture shall be in addition to the penalty to which the said officer is liable under section [146] *145* of this Act or *any* other law in force.

Certificate, arms, etc., to be delivered up by person ceasing to be a Police officer and

[**31.**] *30.* (*1*) Every person who for any reason ceases to be a Police officer shall forthwith deliver up to some officer empowered by the Commissioner, or the Deputy Inspector-General, Criminal Investigation Department, or the Principal of the Central Police Training School, Nasik, or the District Superintendent to whom such Police officer is subordinate to receive the same, his certificate of appointment or of office and the arms, accoutrements, clothing and other necessaries which have been furnished to him for the [execution of] *performance of duties and functions connected with* his office.

if not delivered up may be seized under a search warrant.

(*2*) Any Magistrate and, for special reasons which shall be recorded in writing at the time, the Commissioner or the Deputy Inspector-General, Criminal Investigation Department, or the Principal of the Central Police Training School, Nasik, or any *District Superintendent, Assistant Superintendent, or* Deputy Superintendent may issue a warrant to search for and seize, wherever they be found, any certificate, arms, accoutrements, clothing or other necessaries not so delivered up. Every warrant so issued shall be executed in accordance with the provisions of the Code of Criminal Procedure, 1898, by a Police officer or, if the Magistrate, the Commissioner, the Deputy Inspector-General, Criminal Investigation Department, the Principal of the Central Police Training School, Nasik, the District Superintendent, the Assistant Superintendent or the Deputy Superintendent issuing the warrant so directs, by any other person.

Saving of certain articles.

(*3*) Nothing in this section shall be deemed to apply to any article which, under the orders of the Inspector-General, or the Commissioner, as the case may be, has become the property of the person to whom the same was furnished.

Occupation of and liability to vacate premises provided for Police officers.

[**32.**] *31.* (*1*) Any Police officer occupying any premises provided by the State Government for his residence—

(*a*) shall occupy the same subject to such conditions and terms as may, generally or in special cases, be specified by the State Government, and

(*b*) shall, notwithstanding anything contained in any law for the time being in force, vacate the same on his ceasing to be a Police officer or whenever the State Government or any officer authorised by the State Government in this behalf thinks it necessary and expedient to require him to do so.

(*2*) If any person who is bound or required under sub-section (*1*) to vacate any premises fails to do so, the State Government or the officer authorised in this behalf by the State Government may order such person to vacate the premises and may

direct any Police officer with such assistance as may be necessary to enter upon the premises and remove therefrom any person found therein and to take possession of the premises and deliver the same to any person specified in the direction.

III of 1888.

[33.] *32.* Subject to the provisions of the Police Act, 1888, and save in so far as the operation of this section may be temporarily suspended by the special order of the State Government, nothing in Chapters II and III shall be deemed to affect any officers of the Railway Police employed within the limits of the State of Bombay on Police functions connected with the administration of any railway and any such Police officer shall, in the discharge of such functions, be vested with the powers, privileges and be subject to the liabilities of a Police officer of the establishment to which he belongs. Saving in regard to Railway Police.

CHAPTER IV.

Police Regulations.

[34.] *33.* (*1*) The Commissioner and the District Magistrate, in areas under their respective charges or any part thereof, may make, alter or rescind rules or orders not inconsistent with this Act for— Power to make rules for regulation of traffic and for preservation of order in public places etc.

(*a*) licensing and controlling persons offering themselves for employment at quays, wharves and landing places, and outside Railway stations, for the carriage of passengers' baggages, and fixing and providing for the enforcement of a scale of charges for the labour of such persons so employed ;

(*b*) regulating traffic of all kinds in streets and public places, and the use of streets and public places by persons riding, driving, cycling, walking or leading or accompanying cattle, so as to prevent danger, obstruction or inconvenience to the public ;

(*c*) regulating the conditions under which vehicles may remain standing in streets and public places, and the use of streets as halting places for vehicles or cattle ;

(*d*) prescribing the number and position of lights to be used on vehicles in streets and the hours between which such lights shall be used ;

(*e*) prescribing certain hours of the day during which cattle shall not be driven along the streets, or along certain specified streets, except subject to such regulations as he may prescribe in that behalf ;

(*f*) regulating the leading, driving, conducting or conveying of any elephant or wild or dangerous animal through or in any street ;

(*g*) regulating and controlling the manner and mode of conveying timber, scaffold poles, ladders, iron girders, beams or bars, boilers or other unwieldy articles through the streets, and the route and hours for such conveyance ;

(*h*) licensing, controlling or, in order to prevent the obstruction, inconvenience, annoyance, risk, danger or damage of the residents or passengers in the vicinity, prohibiting the carrying in streets and public places of gunpowder or any other explosive substance ;

(*i*) prohibiting, except along certain specified streets and during specified hours and subject to such regulations as he may prescribe in that behalf, the exposure or movement in any street of persons or animals suffering from contagious or infectious diseases and the carcasses of animals or part thereof and the corpses of persons [diseased] *deceased* ;

(*j*) prescribing certain hours of the day during which [odour] *ordure* or offensive matter or objects shall not be taken from or into houses or buildings in certain streets or conveyed through such streets except subject to such rules as he may make in that behalf ;

(*k*) setting apart places for the slaughtering of animals, the cleaning of carcasses or hides, the deposit of noxious or offensive matter and for obeying calls of nature;

(*l*) in cases of existing or apprehended epidemic or infectious disease of men or animals, the cleanliness and disinfection of premises by the occupier thereof and residents therein and the segregation and management of the persons or animals diseased or supposed to be diseased, as may have been directed or approved by the State Government, with a view to prevent the disease or to check the spreading thereof;

(*m*) directing the closing or disuse, wholly or for certain purposes, or limiting to certain purposes only the use of any source, supply or receptacle of water, and providing against pollution of the same or of the water therein;

(*n*) licensing, controlling or, in order to prevent the obstruction, inconvenience, annoyance, risk, danger or damage of the residents or passengers in the vicinity, prohibiting the playing of music, the beating of drums, tom-toms or other instruments and the blowing or sounding of horns or other noisy instruments in or near streets or public places;

(*o*) regulating the conduct of and behaviour or action of persons constituting assemblies and processions on or along the streets and prescribing in the case of processions, the routes by which, the order in which and the times at which the same may pass;

(*p*) prohibiting the hanging or placing of any cord or pole across a street or part thereof, or the making of a projection or structure so as to obstruct traffic or the free access of light and air;

(*q*) prohibiting, except under such reasonable rules as he may make, the placing of building materials or other articles or the fastening or detention of any horse or other animals in any street or public place;

(*r*) licensing, controlling or, in order to prevent obstruction, inconvenience, annoyance, risk, danger or damage of the residents or passengers in the vicinity, prohibiting—

(*i*) the illumination of streets and public places and the exteriors of building abutting thereon by persons other than servants of Government or Municipal officers duly authorized in that behalf,

(*ii*) the blasting of rock or making excavations in or near streets or public places,

(*iii*) the using of a loudspeaker in any public place or place of public entertainment;

(*s*) closing certain streets or places temporarily, in cases of danger from ruinous buildings or other cause, with such exceptions as shall appear reasonable;

(*t*) guarding against injury to person and property in the construction, repair and demolition of buildings, platforms and other structures from which danger may arise to passengers, neighbours or the public;

(*u*) prohibiting the setting fire to or burning any straw or other matter, or lighting a bonfire or wantonly discharging a fire-arm or air-gun, or letting off or throwing a fire-work, or sending up a fire balloon or rocket in or upon or within fifty feet of a street or building or the putting up of any post or other thing on the side of or across a street for the purpose of affixing thereto lamps or other contrivances for illumination, except subject to such reasonable rules, as he may make in that behalf;

(*v*) regulating the hours during which and the manner in which any place for the disposal of the dead, any dharmashala, village-gate or other place of public

resort, may be used, so as to secure the equal and appropriate application of its advantages and accommodation and to maintain orderly conduct amongst those who resort thereto ;

(*w*) licensing and controlling theatres, including the entrance and exit of persons thereat and the decent and orderly conduct of proceedings therein, and in order to prevent the obstruction, inconvenience, annoyance, risk, danger or damage of the residents or passengers in the vicinity, prohibiting the keeping of places of public amusement, entertainment or assembly ;

(*x*) regulating or prohibiting the sale of any ticket or pass for admission, by whatever name called, to a place of public amusement ;

(*y*) prescribing the procedure in accordance with which any licence or permission sought to be obtained or required under this Act should be applied for, and fixing the fees to be charged for any such licence or permission :

Provided that nothing in this section and no licence granted under any rule made thereunder shall authorize any person to import, export, transport, manufacture, sell or possess any liquor or intoxicating drug, in respect of which a licence, permit, pass or authorisation is required under the Bombay Prohibition Act, 1949, or under any other law for the time being in force relating to the Abkari revenue or shall affect the liability of any person under any such law, or shall in any way affect the provisions of the Arms Act, 1878, or of the Explosives Act, 1884, or of any rules made under either of those enactments, or the liability of any person thereunder :

Bom. XXV of 1949.

XI of 1878.

IV of 1884.

Provided further that any action taken under the rules or orders made under this sub-section or the grant of a licence made under such rules or orders shall be subject to the control and supervision of the State Government.

[(*2*) The power of making, altering or rescinding rules under clauses (*a*), (*b*) and (*c*) of sub-section (*1*) above will be subject to the control of the State Government, and those made under the remaining clauses subject to the previous sanction of that Government.]

(*2*) (*i*) *The power of making, altering or rescinding rules under clauses* (a), (b) *and* (c) *of sub-section* (1) *shall be subject to the control of the State Government.*

(*ii*) *The power of making, altering or rescinding rules under the remaining clauses of sub-section* (1) *shall be subject to the previous sanction of that Government.*

(*3*) Every rule made under clause (*v*) of sub-section (*1*) with respect to the use of a place for the disposal of the dead shall be framed with due regard to ordinary and established usages and to the necessities of prompt disposal of the dead in individual cases.

(*4*) Every rule promulgated under the authority of clause (*l*) of sub-section (*1*) shall, if made in relation to any area outside Greater Bombay, be forthwith reported to the State Government or such authority as the State Government may appoint in this behalf.

(*5*) If any rule or order made or promulgated under this section relates to any matter with respect to which there is a provision in any law, rule or by-law of any municipal or local authority in relation to the public health, convenience or safety of the locality, such rule or order shall be subject to such law, rule or by-law of the municipal or local authority, as the case may be.

(*6*) The power of making, altering or rescinding rules under this section shall be subject to the condition of the rules being made, altered or rescinded after previous publication, and every rule made or alteration or rescission of a rule made under this section shall be published in the *Official Gazette* and in the locality affected thereby by affixing copies thereof in conspicuous places near to the building, structure, work or place, as the case may be, to which the same specially relates or by proclaiming the same by the beating of drum or by advertising the same in such local newspapers in English or in the local language,

as the authority making, altering or rescinding the rule may deem fit or by any two or more of these means or by any other means it may think suitable :

Provided that any such rules may be made, altered or rescinded without previous publication if the Commissioner or the District Magistrate, as the case may be, is satisfied that circumstances exist which renders it necessary that such rules or alterations therein or rescission thereof should be brought into force at once.

(*7*) Notwithstanding anything hereinbefore contained in this section or which may be contained in any rule made thereunder, it shall always be lawful for the competent authority to refuse a licence for, or to prohibit the keeping of any place of public amusement or entertainment by a person of notoriously bad character.

(*8*) It shall be the duty of all persons concerned to conform to any order duly made as aforesaid so long as the same shall be in operation.

Competent authority may authorise erection of barriers on streets.

[35.] *34.* The Commissioner and the District Superintendent in areas under their respective charges may, whenever in his opinion such action is necessary, authorise such Police officer as he thinks fit to erect barriers on any street for the purpose of stopping temporarily vehicles driven on such street and satisfy himself that the provisions of any law for the time being in force have not been contravened in respect of any such vehicle or by the driver of or the person in charge of such vehicle. The said authority may also make such orders as it deems fit for regulating the use of such barriers.

Power to make rules prohibiting disposal of the dead except at places set apart.

[36.] *35.* (*1*) A competent authority may, from time to time, make rules prohibiting the disposal of *the* dead, whether by cremation, burial or otherwise at places other than those set apart for such purpose :

Provided that no such rules shall be made in respect of any such town or place in which places have not been so set apart :

Provided further that the competent authority or any officer authorised by it in this behalf may, in its or his discretion on an application made to it or him by any person, grant to such person permission to dispose of the corpse of any deceased person at any place other than a place so set apart, if in its or his opinion such disposal is not likely to cause obstruction to traffic or disturbance of the public peace or is not objectionable for any other reason.

(*2*) Any rules made under sub-section (*1*) shall specify the places set apart for the disposal of the dead of different communities or sections of communities.

(*3*) All such rules shall be subject to the condition of previous publication and the date to be specified under clause (*c*) of section 24 of the Bombay General Clauses Act, 1904, shall not be earlier than two months from the date on which the draft of the proposed rules is published. Bom I of 1904.

Explanation.—For the purposes of this section, a place set apart for the disposal of the dead means a place set apart for such purpose under any custom, usage or law for the time being in force.

Power of Commissioner or the District Superintendent and of other officers to give direction to the public.

[37.] *36.* In areas under their respective charges the Commissioner, and subject to his orders every Police officer not inferior in rank to an Inspector, and the District Superintendent and subject to his orders any Police officer of not lower than such rank as may be specified by the State Government in that behalf, may, from time to time as occasion may arise, but not so as to contravene any rule or order under section [34] *33* give all such orders either orally or in writing as may be necessary to—

(*a*) direct the conduct of, and behaviour or action of persons constituting processions or assemblies on or along the streets ;

(*b*) prescribe the routes by which and the times at which any such processions may or may not pass ;

(*c*) prevent obstructions on the occasion of all processions and assemblies and in the neighbourhood of all places of worship during the time of worship and in all cases when any street or public place or place of public resort may be thronged or liable to be obstructed ;

(*d*) keep order on and in all streets, quays, wharves, and at and within public bathing, washing and landing places, fairs, temples and all other places of public resort ;

(*e*) regulate and control the playing of music or singing, or the beating of drums, tom-toms and other instruments and the blowing or sounding of horns or other noisy instruments, in or near any street or public place ;

(*f*) make reasonable orders subordinate to and in furtherance of any order made by a competent authority under sections [34, 36, 38] *33, 35, 37* to [41, 43, 44] *40, 42, 43* and [46] *45* of this Act.

Power to prohibit certain acts for prevention of disorder.

[**38.**] *37.* (*1*) The Commissioner and the District Magistrate in areas under their respective charges may, whenever and for such time as he shall consider necessary for the preservation of public peace or public safety by a notification publicly promulgated or addressed to individuals, prohibit at any town, village or place or in the vicinity of any such town, village or place—

(*a*) the carrying of arms, cudgels, swords, spears, bludgeons, guns, knives, sticks or lathis, or any other article, which is capable of being used for causing physical violence,

(*b*) the carrying of any corrosive substance or of explosives,

(*c*) the carrying, collection and preparation of stones or other missiles or instruments or means of casting or impelling missiles,

(*d*) the exhibition of persons or [the] corpses or figures or effigies thereof,

(*e*) the public utterance of cries, singing of songs, playing of music,

[(*f*) delivery of harangues, the use of gestures or mimetic representations, and the preparation, exhibition or dissemination of pictures, symbols, placards or any other object or thing, which may be of a nature to outrage morality or decency or, in the opinion of such authority may probably inflame religious animosity or hostility between different classes or incite to the commission of an offence, to a disturbance of the public peace or to resistance to or contempt of the law or of a lawful authority.]

(*f*) *delivery of harangues, the use of gestures or mimetic representations, and the preparation, exhibition or dissemination of pictures, symbols, placards or any other object or thing which may in the opinion of such authority offend against decency or morality or undermine the security of or tend to over-throw the State.*

(*2*) If any person goes armed with any such [weapon] *article* or carries any corrosive substance or explosive or missile in contravention of such prohibition, he shall be liable to be disarmed or the corrosive substance or explosive or missile shall be liable to be seized from him by any Police officer, and the [weapon] *article*, corrosive substance, explosive or missile so seized shall be forfeited to the State Government.

(*3*) The authority empowered under sub-section (*1*) may also by order in writing prohibit any assembly or procession whenever and for so long as it considers such prohibition to be necessary for the preservation of the public order :

Provided that no such prohibition shall remain in force for more than fifteen days without the sanction of the State Government.

(*4*) The authority empowered under sub-section (*1*) may also by public notice temporarily reserve for any public purpose any street or public place and prohibit persons from entering the area so reserved, except under such conditions as may be prescribed by such authority.

Power to prohibit, etc., continuance, of music, sound or noise.

[**39.**] *38.* (*1*) If the Commissioner or District Superintendent is satisfied from the report of an officer in charge of a Police Station or other information received by him that it is necessary to do so in order to prevent annoyance, disturbance, discomfort or injury or risk of annoyance, disturbance, discomfort or injury to the public or to any persons who dwell or occupy property in the vicinity, he may, by a written

order issue such directions as he may consider necessary to any person for preventing, prohibiting, controlling or regulating—

(*a*) the incidence or continuance in or upon any premises of—

(*i*) any vocal or instrumental music,

(*ii*) sounds caused by the playing, beating, clashing, blowing or use in any manner whatsoever of any instrument, appliance or apparatus or contrivance which is capable of producing sound, or

(*b*) the carrying on, in or upon, any premises of any trade, avocation or operation resulting in or attended with noise.

(*2*) The authority empowered under sub-section (*1*) may, either on its own motion or on the application of any person aggrieved by an order made under sub-section (*1*), either rescind, modify or alter any such order :

Provided that before any such application is disposed of, the said authority shall afford to the applicant an opportunity of appearing before it either in person or by pleader and showing cause against the order and shall, if it rejects any such application either wholly or in part, record its reasons for such rejection.

Issue of orders for prevention of riot, etc.

[40.] *39.* (*1*) In order to prevent or suppress any riot or grave disturbance of peace, the Commissioner and the District Superintendent, in areas under their respective charges, may temporarily close or take possession of any building or place, and may exclude all or any persons therefrom, or may allow access thereto to such persons only and on such terms as he shall deem expedient. All persons concerned shall be bound to conduct themselves in accordance with such orders as the authority making orders may make and notify in exercise of the authority hereby vested in it.

Compensation to lawful occupier of building or place closed or taken possession of.

(*2*) If the lawful occupier of such building or place suffers substantial loss or injury by reason of the action taken under sub-section (*1*), he shall be entitled, on application made to the authority concerned within one month from the date of such action, to receive reasonable compensation for such loss or injury, unless such action was in the opinion of such authority rendered necessary either by the use to which such building or place was put or intended to be put or by the misconduct of persons having access thereto.

Disputes as to compensation to be settled.

(*3*) In the event of any dispute in any case under sub-section (*2*) the decision of the Chief Presidency Magistrate or the District Magistrate, as the case may be, shall be conclusive as to the amount (if any) to be paid, and as to the person to whom it is to be paid.

Issue of orders for maintenance of order at religious ceremonials, etc.

[41.] *40.* (*1*) In any case of an actual or intended religious or ceremonial or corporate display or exhibition or organised assemblage in any street or public place, as to which or the conduct of or participation in which it shall appear to a competent authority that a dispute or contention exists which is likely to lead to grave disturbance of the peace, such authority may give such orders as to the conduct of the persons concerned towards each other and towards the public as it shall deem necessary and reasonable under the circumstances, regard being had to the apparent legal rights and to any established practice of the parties and of the persons interested. Every such order shall be published in the town or place wherein it is to operate, and all persons concerned shall be bound to conform to the same.

(*2*) Any order under sub-section (*1*) shall be subject to a decree, injunction or order made by a Court having jurisdiction, and shall be recalled or altered on its being made to appear to the authority making the order that such order is

inconsistent with a judgment, decree, injunction or order of such Court, on the complaint, suit or an application of any person interested, as to the rights and duties of any persons affected by the order aforesaid.

Police to provide against disorder, etc., at places of amusement and public meetings.

[42.] *41.* (*1*) For the purpose of preventing serious disorder or breach of the law or manifest and imminent danger to the persons assembled at any public place of amusement or at an assembly or meeting to which the public are invited or which is open to the public, the senior Police officer of highest rank superior to that of constable, present at such place of amusement or such assembly or meeting may, subject to such rules and orders as may have been lawfully made, give such reasonable directions as to the mode of admission of the public to, and for securing the peaceful and lawful conduct of the proceedings and the maintenance of the public safety at such place of amusement or such assembly or meeting, as he thinks necessary and all persons shall be bound to conform to every such reasonable direction.

Police to have free access thereto.

(*2*) The Police shall have free access to every such place of amusement, assembly or meeting, for the purpose of giving effect to the provisions of sub-section (*1*) and to any direction made thereunder.

Discontinuance of brothels.

[43.] *42.* On complaint being made to the District Magistrate or a Sub-Divisional Magistrate that any house in a town or village in his district or sub-division to which the State Government has by notification extended this section is used as a common brothel or lodging house or place of resort for prostitutes or disorderly persons of any description, to the annoyance of the respectable inhabitants of the vicinity, the said Magistrate may summon the owner or tenant of the house to answer the complaint, and on being satisfied that the house is so used may order the owner or tenant, within a reasonable period, which shall be set forth in the order, to discontinue such use of it.

District Magistrate may take special measures to prevent outbreak of epidemic disease at fair, etc.

[44.] *43.* (*1*) Whenever it shall appear to the Commissioner or District Magistrate that any place in the areas under their respective charges, at which, on account of a pilgrimage, *fair* or other [fair,] such occurrence, large bodies of persons have assembled or are likely to assemble is visited or will probably be visited with an outbreak of any epidemic disease, he may take such special measures and may by public notice prescribe such regulations to be observed by the residents of the said place and by persons present thereat or repairing thereto or returning therefrom as he shall deem necessary to prevent the outbreak of such disease or the spread thereof.

(*2*) It shall be lawful for the District Magistrate or for the Collector or the Chief Presidency Magistrate on the requisition of the Commissioner or the District Magistrate to assess and levy such reasonable fees on persons falling under the provisions of sub-section (*1*) as will provide for the expenses of the arrangements for sanitation and the preservation of order at and about the place of assemblage.

(*3*) When the place of assemblage is within the limits of a municipality or corporation such sums as shall be necessary for the purposes aforesaid may be recovered from the municipality or corporation.

Destruction of stray dogs.

[45.] *44.* (*1*) The Commissioner and the District Superintendent in areas under their respective charges may from time to time, by public notice, proclaim that any stray dogs found, during such period as may be specified in the said notice,

wandering in the streets or in any public place may be destroyed, and any dog so found within such period may be destroyed accordingly.

(*2*) The authority empowered under sub-section (*1*) may by public notice require that every dog, while in any street or public place and not led by some person, shall be muzzled in such a manner as effectually to prevent it from biting, while not obstructing its breathing or drinking, and the Police may, so long as such notice remains in force, destroy, or take possession of and detain, any dog found loose without muzzle in any street or place beyond the premises of the owner thereof :

Provided that any dog so found, wearing a collar on which an apparently genuine name and address of an owner is inscribed, shall not, unless it is rabid, be forthwith destroyed, but information of the detention thereof shall forthwith be sent by post or otherwise to such owner.

(*3*) Any dog which has been detained under sub-section (*2*) for a period of three clear days without the owner providing a muzzle and paying all expenses connected with such detention, may be destroyed or sold with the sanction and under the orders of the competent authority.

(*4*) The proceeds of the sale of any dog under sub-section (*3*) shall be applied, as far as may be, in discharge of the expenses incurred in connection with its detention, and the balance, if any, shall form part of the [revenues] *consolidated fund* of the State.

(*5*) Any expenses incurred in connection with the destruction or detention of any dog under this section shall, subject to the provisions of sub-section (*4*), be recoverable from the owner thereof upon a warrant issued by the competent authority as if it were a warrant under section 386 of the Code of Criminal Procedure, *1898*.

Destruction of suffering or unfit animals.

[**46.**] *45.* (*1*) Any Police officer who in any street or public place other than a place of worship finds any animal other than a bull or a cow so diseased, or so severely injured, and in such a physical condition, that in his opinion it cannot without cruelty be removed, shall, if the owner is absent or refuses to consent to the destruction of the animal, at once summon the Veterinary Practitioner in charge of the area in which the animal is found and, if the Veterinary Practitioner certifies that the animal is mortally injured, or so severely injured, or so diseased, or in such a physical condition, that it is cruel to keep it alive, the Police officer may, without the consent of the owner, destroy the animal or cause it to be destroyed :

Provided that if in the opinion of the Veterinary Practitioner the animal can be removed from the place where it is found without causing it great suffering, and, if the owner or person in charge of the animal or in their absence any other person on the spot is willing and offers to remove the animal to a Veterinary Hospital or Panjrapol within such time as the Veterinary Practitioner considers reasonable, the Veterinary Practitioner shall allow the animal to be removed by such owner, person in charge of the animal or [such] other person. If the owner or person in charge of the animal or such other person is unwilling or fails so to remove the animal, the Veterinary Practitioner may direct the Police officer to remove the animal before it is destroyed from the place where it is found to such other place as he may think fit :

Provided further that when the animal is destroyed in any street or public place it shall, as far as possible, be screened from the public gaze while it is being destroyed.

[*Explanation.*—For the purpose of this section " bull " does not include "bullock".]

(*2*) The State Government may appoint such persons as it thinks fit to be Veterinary Practitioners and may declare the areas of which they shall be in charge for the purposes of this Act.

[47.] *46.* Every power conferred by this Chapter on a District Superintendent not specially empowered by the State Government to exercise that power or on any officer subordinate to him shall be exercised by him subject to the orders of the District Magistrate and all rules, regulations and orders made under this Chapter shall, if made by the Commissioner, be governed by such rules and orders as the State Government may from time to time make in this behalf and, if made by the District Magistrate or the District Superintendent specially empowered in that behalf, shall be subject to the provisions of section 17. Powers under this Chapter to be exercised by District Superintendent subject to the control of District Magistrate and Commissioner and by District Magistrates subje t to the control of State Government.

CHAPTER V.

Special measures for maintenance of public order and safety of State.

I. Employment of additional Police, recovery of cost thereof and of riot compensation—its assessment and recovery.

[48.] *47.* (*1*) The *Commissioner or* District Superintendent may, on the application of any person, depute any additional number of Police to keep the peace, to preserve order or to enforce any of the provisions of this or any other Act in respect of any particular class or classes of offences or to perform any other Police duties at any place *in the area under his charge.* Employment of additional Police on application of a person.

(*2*) Such additional Police shall be employed at the [charge] *cost* of the person making the application, but shall be subject to the orders of the Police authorities and shall be employed for such period as the [competent] *appointing* authority thinks fit.

(*3*) If the person upon whose application such additional Police are employed shall at any time make a written requisition to the [competent] *appointing* authority to which the application for the employment of additional Police was made, for the withdrawal of the said Police, he shall be relieved from the [charge] *cost* thereof at the expiration of such period not exceeding one month from the date of the delivery of such requisition, as the State Government or the [competent] *appointing* authority, as the case may be, shall determine.

[49.] *48.* (*1*) Whenever it appears to the State Government or a competent authority that— Employment of additional police at large works and when apprehension regarding behaviour of employees exists.

(*a*) any large work which is being carried on or any public amusement which is being conducted is likely to impede the traffic or to attract a large number of people, or

(*b*) that the behaviour or a reasonable apprehension of the behaviour, of the persons employed on any railway, canal or other public work, or in or upon any manufactory or other commercial concern under construction or in operation at any place necessitates the employment of additional Police at such place, the State Government or the competent authority may depute such additional Police to the said place as it shall think fit and keep the said Police employed at such place for so long as such necessity shall appear to it to continue.

(*2*) Such additional Police shall be employed at the [charge] *cost* of the person by whom the work, amusement, manufactory or concern is being constructed, conducted or carried on and the said person shall pay the [charges] *costs* therefor at such rates as the State Government or the competent authority, as the case may be, shall from time to time require.

Recovery of cost of additional Police employed under sections [48]*47* and [49]*48*.

[**50.**] *49.* In case of any dispute [in any case] under section [48]*47* or [49]*48* the decision of the Chief Presidency Magistrate, in Greater Bombay, and the District Magistrate, in the district, shall be conclusive as to the amount to be paid and as to the person by whom it is to be paid and the sum so ascertained may, on the requisition of the Chief Presidency Magistrate or the District Magistrate, be recovered by the Collector as if it were an arrear of land revenue due by the person found to be answerable therefor.

[**51.**] (*1*) The State Government may from time to time, by notification in the *Official Gazette*, direct the employment of additional Police for such period as it shall think fit in any area which appears to it to be in a disturbed or dangerous state or in which the conduct of the inhabitants or of any particular section of the inhabitants, in its opinion, renders it expedient temporarily to increase the strength of the Police.

(*2*) The State Government may require—

(*a*) in any area for which a Corporation has been constituted, the Municipal Commissioner, the Collector or any other authority,

(*b*) in any area within the limits of a municipality, the municipality, the Collector or any other authority, and

(*c*) in any area outside the areas specified in clauses (*a*) and (*b*), the Collector or any other authority,

to recover either in whole or in part the cost of such additional Police generally from all persons who are inhabitants of the area to which such notification applies or specially from any particular section or sections, or class or classes of such persons, and in such proportions as the State Government may direct :

Provided that where the Municipal Commissioner or the Municipality is directed to recover such cost, an additional sum not exceeding three per cent. of the amount of such cost shall also be recoverable.

(*3*) In making an order under sub-section (*2*), the State Government may fix the date on which the liability to pay the amount in consequence of the employment of additional Police shall be deemed to have arisen for the purposes of this Act.]

Employment of additional Police in cases of special danger to public peace.

50. (1) If in the opinion of the State Government any area is in a disturbed or dangerous condition or in which the conduct of the inhabitants or of any particular section of the inhabitants renders it expedient temporarily to employ additional Police, it may by notification in the Official Gazette specify—

(a) the area (hereinafter called " the disturbance area ") in which the additional Police is to be employed,

(b) the period for which the additional Police is to be employed :

Provided that the period fixed under clause (b) may be extended by the State Government from time to time, if in its opinion it is necessary to do so in the general interest of the public. The cost of the additional Police shall be a tax imposed under this section and shall be recovered in the manner prescribed in the succeeding sub-sections.

(2) The decision of the State Government under clauses (a) and (b) of sub-section (1) shall be final.

(3) On the issue of such notification, the State Govrenment may require,—

(a) in any disturbance area which is within the limits of a Corporation, the Municipal Commissioner, the Collector or any other authority,

(b) in any disturbance area which is within the limits of a municipality, the municipality, the Collector or any other authority,

(c) in any disturbance area which is outside the areas specified in clauses (a) and (b), the Collector or any other authority,

to recover, whether in whole or in part, the cost of such additional Police generally from all persons who are inhabitants of the disturbance area or specially from any particular section or sections, or class or classes of such persons, and in such proportion as the State Government may direct:

Provided that where the Municipal Commissioner or the Municipality is directed to recover such cost, an additional sum not exceeding 3 per cent. of the amount of such cost shall also be recoverable.

(4) (*i*) The State Government may require the Municipal Commissioner or the Municipality to recover such cost and the additional sum by an addition to the general or property tax which shall be imposed and levied in all or such of the municipal wards, sub-wards or sections thereof, as the State Government may direct. Every addition to the general or property tax imposed under this sub-section shall be recovered by the Municipal Commissioner or the Municipality from each person liable therefor in the same manner as the general or property tax due from him. The provisions of the relevant Municipal Act shall apply to any such addition as if it were part of the general or property tax levied under the said Act. Such addition shall be a charge along with the general or property tax, on the properties, in such municipal wards or sub-wards or sections.

(*ii*) The State Government may also require the Municipal Commissioner or the Municipality to recover such cost and the additional sum from each person liable therefor under sub-section [(2)] (*3*) in such manner as the State Government may direct.

(*iii*) Where the Municipal Commissioner or a Municipality makes default in imposing and levying any such tax or in making such recovery, the State Government may direct the Collector to impose and levy such tax or to make such recovery.

(*5*) Every amount recoverable by the Collector or other authority under this section shall be recoverable as if it were an arrear of land revenue due by the person liable therefor.

(*6*) It shall be lawful for the State Government by order to exempt any person from liability to bear any portion of the cost of such additional Police.

(*7*) Out of the total amount recovered by the Municipal Commissioner or by a Municipality under sub-section (*4*) or (*5*) whether before or after the coming into operation of this Act the amount of the cost shall be paid to the State Government and the balance, if any, shall be credited to the municipal fund constituted under the relevant Municipal Act. Such amount of cost shall be paid to the State Government every three months.

Explanation.—In this section the expression "inhabitants" when used with reference to any area includes persons who themselves or by their agents or servants occupy or hold land or other immovable property within such area and landlords who themselves or by their agents or servants collect rent from holders or occupiers of land in such area notwithstanding that they do not actually reside therein.

[Compensation for injury caused by unlawful assembly, how recoverable. Date to be fixed for liability.]

[52. (1) The Chief Presidency Magistrate, in Greater Bombay, and the District Magistrate, in districts, may, after such inquiry as he deems necessary, determine the amount of the compensation which, in his opinion, should be paid to any person or persons in respect of any loss or damage caused to any property, or in respect of death or grievous hurt caused to any person or persons, by anything done in the prosecution of the common object of an unlawful assembly.

(2) The Chief Presidency Magistrate or the District Magistrate, as the case may be, may require—

(a) in any area for which a Corporation has been constituted, the Municipal Commissioner, the Collector or any other authority,

(b) in an area within the limits of a municipality, the municipality, the Collector or any other authority, and

(c) in an area outside the areas specified in clauses (a) and (b), the Collector or any other authority,

to recover either in whole or in part such amount and where the Municipal Commissioner or the Municipality is required to recover such amount, an additional sum not exceeding three per cent. of such amount generally from all persons who are inhabitants of any particular area or specially from any particular section or sections, or class or classes of such persons, and in such proportions as the Chief Presidency Magistrate or the District Magistrate may direct.

(3) In making an order under sub-section (2), the Chief Presidency Magistrate or the District Magistrate, as the case may be, shall fix the date on which the liability to pay the amount in consequence of anything done in the prosecution of the common object of the unlawful assembly shall be deemed to have arisen for the purposes of this Act.

(4) (i) The Chief Presidency Magistrate or the District Magistrate, as the case may be, may require the Municipal Commissioner or the Municipality concerned to recover such amount and the additional sum by an addition to the general or property-tax which shall be imposed and levied in all or such of the municipal wards, sub-wards, or sections thereof, as the Chief Presidency Magistrate or the District Magistrate may direct. Every addition to the general or property tax imposed under this sub-section shall be recovered by the Municipal Commissioner or the Municipality concerned from each person liable therefor in the same manner as the general or property tax due from him. The provisions of the relevant Municipal Act, shall apply to any such addition as if it were part of the general or property tax levied under the said Act. Such addition shall be a charge along with the general or property tax, on the properties, in such municipal wards, sub-wards or sections.

(ii) The Chief Presidency Magistrate or the District Magistrate, as the case may be, may also require the Municipal Commissioner or the Municipality concerned to recover such amount and the additional sum from each person liable therefor under sub-section (2) in such manner as he may direct.

(5) Where a Municipal Commissioner or a Municipality makes a default in imposing and levying any such tax or in making any such recovery, the State Government may direct the Collector to impose and levy such tax or to make such recovery.

(6) Every amount recoverable by the Collector or other authority under this section shall be recoverable as if it were an arrear of land revenue due by the person liable therefor.

(7) Out of the total amount recovered by the Municipal Commissioner or by the Municipality under sub-section (4) or (5) whether before or after the coming into operation of this Act, a sum equivalent to the amount of the compensation shall be paid to the Chief Presidency Magistrate or the District Magistrate, as the case may be, and the balance, if any, shall be credited to the municipal fund. Such amount shall be paid to the Chief Presidency Magistrate or the District Magistrate, as the case may be, every three months.

(8) It shall be lawful for the Chief Presidency Magistrate or the District Magistrate, as the case may be, by order, to exempt any persons from liability to pay any portion of such compensation.

Explanation.—In this section the expression "inhabitants" when used with reference to any area includes persons who themselves or by their agents or servants occupy or hold land or other immovable property within such area and landlords who themselves or by their agents or servants collect rent from holders or occupiers of land in such area, notwithstanding that they do not actually reside therein.]

Compensation for injury caused by unlawful assembly, how recoverable.

51. (1) When any loss or damage is caused to any property or when death results or grievous hurt is caused to any person or persons, by anything done in the prosecution of the common object of an unlawful assembly, the State Government may, by notification in the Official Gazette, specify—

(a) the area, (hereinafter called "the disturbance area"), in which in its opinion such unlawful assembly was held;

Date to be fixed for liability.

(b) the date on which or the period during which such unlawful assembly was held.

(2) The decision of the State Government under clauses (a) and (b) of sub-section (1) shall be final.

(3) On the issue of a notification under sub-section (1), the Chief Presidency Magistrate, in Greater Bombay, and the District Magistrate, in Districts, may, after such inquiry as he deems necessary, determine the amount of the compensation which, in his opinion, should be paid to any person or persons in respect of the loss or damage or death or grievous hurt aforesaid. The amount of compensation shall be a tax imposed under this section and shall be recovered in the manner prescribed in the succeeding sub-sections.

(4) The Chief Presidency Magistrate or the District Magistrate, as the case may be, may require—

(a) in any disturbance area which is within the limits of a Corporation, the Municipal Commissioner, the Collector or any other authority;

(b) in any disturbance area which is within the limits of a municipality, the municipality, the Collector or any other authority, and

(c) in any disturbance area which is outside the area specified in clauses (a) and (b), the Collector or any other authority

to recover the amount (hereinafter called "the compensation amount") as determined under sub-section (3) either in whole or in part and where the Municipal Commissioner or the Municipality is required to recover such amount, an additional sum not exceeding three per cent. of the compensation amount (hereinafter referred to as "the Municipal recovery cost"), generally from all persons who were inhabitants of the disturbance area or specially from any particular section or sections, or class or classes of such persons in the said area, and in such proportion as the Chief Presidency Magistrate or the District Magistrate may direct.

(5) (i) The Chief Presidency Magistrate or the District Magistrate, as the case may be, may require the Municipal Commissioner or the Municipality concerned to recover the compensation amount and the municipal recovery cost by an addition to the general or property tax which shall be imposed and levied in the disturbance area. Every addition to the general or property tax imposed under this sub-section shall be recovered by the Municipal Commissioner or the Municipality concerned from each person liable therefor in the same manner as the general or property tax due from him. The provisions of the relevant Municipal Act shall apply to any such addition as if it were part of the general or property tax levied under the relevant Municipal Act. Such addition shall be a charge along with the general or property tax on the properties in the area aforesaid.

(ii) The Chief Presidency Magistrate or the District Magistrate, as the case may be, may also require the Municipal Commissioner or the Municipality concerned to recover the compensation amount and the municipal recovery cost from each person liable therefor under sub-section (4) in such manner as he may direct.

(6) Where a Municipal Commissioner or a Municipality makes a default in imposing and levying any such tax or in making any such recovery, the State Government may direct the Collector to impose and levy such tax or to make such recovery.

(7) Every amount recoverable by the Collector or other authority under this section shall be recoverable as if it were an arrear of land revenue due by the person liable therefor.

(8) Out of the total amount recovered by the Municipal Commissioner or by a Municipality under sub-section (5) or (7), whether before or after the coming into operation of this Act, the proportionate amount of the municipal recovery cost shall be deducted therefrom and the amount not exceeding the compensation amount determined by the Chief Presidency Magistrate or the District Magistrate, as the case may be, under sub-section (3) shall be paid to him for the payment of compensation to the persons entitled thereto and the balance, if any, shall be credited to the municipal fund constituted under the relevant Municipal Act. Such amount shall be paid to the Chief Presidency Magistrate or the District Magistrate, as the case may be, every three months.

(9) It shall be lawful for the Chief Presidency Magistrate or the District Magistrate, as the case may be, by order, to exempt any persons from liability to pay any portion of the compensation amount.

(10) The State Government may, (a) on its own motion, or (b) on an application made by a person within a period of thirty days from the date of the order of the Chief Presidency Magistrate or a District Magistrate, as the case may be, granting or refusing to grant an exemption thereunder, set aside or modify such order.

Explanation.—In this section the expression" inhabitants " when used with reference to any disturbance area includes persons who themselves or by their agents or servants occupy or hold land or other immovable property within such area and landlords who themselves or by their agents or servants collect rent from holders or occupiers of land in such area, notwithstanding that they do not actually reside therein.

[Chief Presidency Magistrate or District Magistrate to award or to apportion compensation.]

[53. (1) It shall be lawful for the Chief Presidency Magistrate or the District Magistrate, as the case may be, to award or apportion all or any moneys recovered as compensation under sub-sections (2) to (7) of section 52 to any person or among all or any persons whom he considers entitled to compensation in respect of the loss or damage or death or grievous hurt aforesaid.

(2) No compensation shall be awarded under this section except upon a claim made within 45 days from the date of the loss, damage, death or grievous hurt

as aforesaid, in respect of which such claim is made, and unless the Chief Presidency Magistrate or the District Magistrate, as the case may be, is satisfied that the person claiming compensation or where such claim is made in respect of the death of any person, that that person also has himself been free from blame in connection with the occurrences which led to the loss, damage, death or grievous hurt as aforesaid.

(3) The compensation payable to any person under section 52 in respect of death or grievous hurt shall not in any way be capable of being assigned or charged or be liable to attachment or to pass to any person other than the person entitled to it by operation of law, nor shall any claim be set off against the same.

(4) Every assessment, direction and order made by the District Magistrate under this or the preceding section shall be subject to revision by the State Government but save as aforesaid shall be final.

(5) No civil suit shall be maintainable in respect of any loss or injury for which compensation has been granted under this section.]

52. (1) It shall be lawful for the Chief Presidency Magistrate or the District Magistrate, as the case may be, to award or apportion all or any moneys recovered as compensation amount under sub-sections (3) to (8) of section 51 to any person or among all or any persons whom he considers entitled to compensation in respect of the loss or damage or death or grievous hurt aforesaid.

Chief Presidency Magistrate or District Magistrate to award or apportion compensation.

(2) No compensation shall be awarded under this section except upon a claim made within 45 days from the date of the notification issued by the State Government under sub-section (1) of section 51 and unless the Chief Presidency Magistrate or the District Magistrate, as the case may be, is satisfied that the person claiming compensation or where such claim is made in respect of the death of any person, that that person also has himself been free from blame in connection with the occurrences which led to the loss, damage, death or grievous hurt as aforesaid.

(3) The compensation payable to any person under section 51 in respect of death or grievous hurt shall not in any way be capable of being assigned or charged or be liable to attachment or to pass to any person other than the person entitled to it by operation of law, nor shall any claim be set off against the same.

(4) Every direction and order made by the Chief Presidency Magistrate or the District Magistrate, as the case may be, under this or the preceding section shall be subject to revision by the State Government, but save as aforesaid, shall be final.

(5) No civil suit shall be maintainable in respect of any loss or injury for which compensation has been granted under this section.

[54.] *53.* The Chief Presidency Magistrate or the District Magistrate, as the case may be, shall discharge his functions under sections [52] *51* and [53] *52* subject to any general or special orders of the State Government in this behalf.

Chief Presidency Magistrate or District Magistrate to discharge functions under orders of State Government.

Bom. LVIII of 1947.

[55. (1) Notwithstanding anything contained in the Bombay Rents and Hotels and Lodging Houses Rates Control Act, 1947, where under the provisions of section 51 or 52, the Municipal Commissioner or the Municipality, as the case may be, is required to recover the cost of the additional Police hereinafter called "the additional cost" or the compensation and the additional sum referred to in sub-clause (4) of section 52, hereinafter called the "riot tax", by an addition to the general or property tax, the landlord from whom any portion of the additional cost or the riot tax is recovered, in respect of any premises shall be entitled to recover

[Proportionate recovery of the cost of additional Police and compensation for loss caused by unlawful assembly.]

75 per cent. of such portion from the tenants in the occupation of the premises on the date fixed under sub-section (*3*) of section 51 or sub-section (*3*) of section 52, as the case may be, in the manner specified in sub-section (*2*).

(*2*) The amount referred to in sub-section (*1*) and to be recovered from a tenant referred to therein shall bear the same proportion as the rent payable by him in respect of the premises in his occupation bears to the total amount of rent recoverable for the whole premises, if let.

(*3*) The provisions of sub-section (*1*) in so far as they relate to the recovery of the riot tax from the tenants, shall not apply to Greater Bombay during the period during which section 10B of the Bombay Rents and Hotels and Lodging Houses Rates Control Act, 1947, is in force in the said area.] Bom. LVIII of 1947.

Proportionate recovery of the cost of additional Police and compensation for loss caused by unlawful assembly.

54. (1) Notwithstanding anything contained in the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947, where under the provisions of section 50 or 51, the Municipal Commissioner, the Municipality or the Collector, as the case may be, is required to recover the cost of the additional police including the additional sum referred to in sub-section (3) of section 50 (hereinafter called "the additional cost") or the compensation amount and the municipal recovery cost (hereinafter called "the riot tax") by an addition to the general or property tax, the landlord from whom any portion of the additional cost or the riot tax is recovered, in respect of any premises shall be entitled to recover 75 per cent. of such portion from the tenant in the occupation of the premises during the period fixed under sub-section (1) of section 50 or on the date or during the greater part of the period specified under clause (b) of sub-section (1) of section 51, as the case may be, in the manner specified in sub-section (2). Bom. LVIII of 1947.

(2) The amount referred to in sub-section (1) and to be recovered from a tenant referred to therein shall bear the same proportion as the rent payable by him in respect of the premises in his occupation bears to the total amount of rent recoverable for the whole premises if let, and the same shall be recoverable from the tenant in not less than four equal instalments.

(3). The provisions of sub-section (1) in so far as they relate to the recovery of the riot tax from the tenants shall not apply to Greater Bombay during the period during which section 10B of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947, is in force in the said area. Bom. LVIII of 1947.

II. Dispersal of Gangs and Removal of Persons convicted of certain offences.

Dispersal of gangs and bodies of persons.

[56.] *55.* Whenever it shall appear in Greater Bombay and in other areas in which a Commissioner is appointed under section 7 to the Commissioner and in a district to the District Magistrate, the Sub-Divisional Magistrate or the District Superintendent specially empowered by the State Government in that behalf, that the movement or encampment of any gang or body of persons in the area in his charge is causing or is calculated to cause danger or alarm or reasonable suspicion that unlawful designs are entertained by such gang or body or by members thereof, such officer may, by notification addressed to the persons appearing to be the leaders or chief men of such gang or body and published by beat of drum or otherwise as such officer thinks fit, direct the members of such gang or body so to conduct themselves as shall seem necessary in order to prevent violence and alarm, or disperse and each of them to remove himself outside the area within the local limits of his jurisdiction [or to such place] within such time as such officer shall prescribe, and not to enter the area or return to the place from which each of them was directed to remove *himself.*

[57.] *56.* Whenever it shall appear [to the Commissioner] in Greater Bombay and other areas for which [he] *a Commissioner* has been appointed under section 7 *to the Commissioner* and in other area or areas to which the State Government may, by notification in the *Official Gazette*, extend the provisions of this section, to the District Magistrate, or the Sub-Divisional Magistrate specially empowered by the State Government in that behalf (*a*) that the movements or acts of any person are causing or calculated to cause alarm, danger or harm to person or property, or (*b*) that there are reasonable grounds for believing that such person is engaged or is about to be engaged in the commission of an offence involving force or violence or an offence punishable under Chapter XII, XVI or XVII of the Indian Penal Code, or [(*c*)] in the abetment of any such offence, and when in the opinion of such officer witnesses are not willing to come forward to give evidence in public against such person by reason of apprehension on their part as regards the safety of their person or property, or [(*d*)] (*c*) that an outbreak of epidemic disease is likely to result from the continued residence of an immigrant, the said officer may, by an order in writing duly served on him or by beat of drum or otherwise as he thinks fit, direct such person or immigrant so to conduct himself as shall seem necessary in order to prevent violence and alarm or the outbreak or spread of such disease or to remove himself outside the area within the local limits of his jurisdiction [or to such place within the State and] by such route and within such time as the said officer may prescribe and not to enter or return to the said area from which he was directed to remove himself.

Removal of persons about to commit offence

XLV of 1860.

[Bom. XXIII of 1945. Bom. XI of 1923. IV of Bom. 1887. Bom. XXV of 1949. II of 1930.]

[58. In areas under their respective charge the Commissioner, and the District Magistrate, the Sub-Divisional Magistrate, specially empowered by the State Government in that behalf, may also by an order in writing direct the removal and prohibit the entry in like manner of any person, who has been twice convicted of an offence under section 6, 9 or 23 of the Bombay Beggars Act, 1945, or under the Bombay Prevention of Prostitution Act, 1923, or of any person who has been thrice convicted within the period of three years of an offence punishable under section 4 or section 12A of the Bombay Prevention of Gambling Act, 1887, or of any offence punishable under the Bombay Prohibition Act, 1949, or Dangerous Drugs Act, 1930.]

[Removal of persons convicted of certain offences.]

57. If a person has been convicted—

(a) of an offence under Chapter XII, XVI or XVII of the Indian Penal Code, or

(b) twice of an offence under section 9 or 23 of the Bombay Beggars Act, 1945, or under the Bombay Prevention of Prostitution Act, 1923, or

(c) thrice of an offence within a period of three years under section 4 or 12A of the Bombay Prevention of Gambling Act, 1887, or under the Bombay Prohibition Act, 1949,

the Commissioner, the District Magistrate or the Sub-Divisional Magistrate specially empowered by the State Government in this behalf, if he has reason to believe that such person is likely again to engage himself in the commission of an offence similar to that for which he was convicted, may direct such person to remove himself outside the area within the local limits of his jurisdiction, by such route and within such time as the said officer may prescribe and not to enter or return to the area from which he was directed to remove himself.

Removal of persons convicted of certain offences.

XLV of 1860. Bom. XXIII of 1945. Bom. XI of 1923. Bom. IV of 1887. Bom. XXV of 1949.

Explanation.—For the purpose of this section "an offence similar to that for which a person was convicted" shall mean—

(i) in the case of a person convicted of an offence mentioned in clause (a), an offence falling under any of the Chapters of the Indian Penal Code mentioned in that clause, and

(ii) in the case of a person conviced of an offence mentioned in clauses (b) and (c), an offence falling under the provisions of the Acts mentioned respectively in the said clauses.

[Removal of persons not born in areas and convicted of certain offences.]

[**59.** In areas under their respective charge the Commissioner and the District Magistrate may by an order direct any person, who not having been born in such area has been convicted of an offence punishable under Chapter XII, XVI or XVII of the Indian Penal Code, or section 65 or 68 of the Bombay Prohibition Act, 1949, or Chapter III of the Dangerous Drugs Act, 1930, or section 4 or 12A of the Bombay Prevention of Gambling Act, 1887, to remove himself in like manner from tho said area and not to enter the same.] [XLV of 1860. Bom. XXV of 1949. II of 1930. Bom. IV of 1887.]

Period of operation of orders under sections 55, 56 and 57.

58. A direction made under section 55, 56 or 57 not to enter any particular area shall be for such period as may be specified therein and shall in no case exceed a period of two years from the date on which it was made.

Hearing to be given before order under section [56, 57, 58 or 59] *55, 56 or 57* is passed.

[**60.**] *59.* (*1*) Before an order under section [56, 57, 58 or 59] *55, 56 or 57* is passed against any person the officer acting under any of the said sections or any officer above the rank of an Inspector authorised by that officer shall inform the person in writing of the general nature of the material allegations against him and give him a reasonable opportunity of tendering an explanation regarding them. If such person makes an application for the examination of any witness produced by him, the authority or officer concerned shall grant such application ; and examine such witness, unless for reasons to be recorded in writing, the authority or officer is of opinion that such application is made for the purpose of vexation or delay. Any written statement put in by such person shall be filed with the record of the case. Such person shall be entitled to appear before the officer proceeding under this section by an advocate or attorney for the purpose of tendering his explanation and examining the witnesses produced by him.

[(2) The authority or officer proceeding under sub-section (*1*) may, for the purpose of securing the attendance of any person against whom any order is proposed to be made under section 56, 57, 58 or 59 exercise all or any of the powers of a Court under sections 75 to 77 of the Code of Criminal Procedure, 1898. After such person is brought before the authority or officer proceeding under section 56, 57, 58 or 59 such authority or officer may release him on bail with or without sureties or may from time to time authorise his detention in such custody as it and he thinks fit for a period not exceeding fifteen days at a time but not exceeding in all three months.]

(2) The authority or officer proceeding under sub-section (1) may, for the purpose of securing the attendance of any person against whom any order is proposed to be made under section 55, 56 or 57, require such person to appear before him and to pass a security bond with or without sureties for such attendance during the inquiry. If the person fails to pass the security bond as required or fails to appear before the officer or authority during the inquiry, it shall be lawful to the officer or authority to proceed with the inquiry and thereupon such order as was proposed to be passed against him may be passed.

[61.] *60.* Any person aggrieved by an order made under section [56, 57, 58 or 59] *55, 56 or 57* may appeal to the State Government within thirty days from the date of such order. Appeal

[62.] *61.* Any order passed under section [56, 57, 58 or 59] *55, 56 or 57* or by the State Government under section [61] *60* shall not be called in question in any Court except on the ground that the authority making the order or any officer authorised by it had not followed the procedure laid down in sub-section (*1*) of section [60] *59* or that there was no material before the authority concerned upon which it could have based its order or on the ground that the said authority was not of opinion that witnesses were unwilling to come forward to give evidence in public against the person in respect of whom an order was made under section [57] *56*. Finality of orders passed by State Government in certain cases.

[63.] *62.* If a person to whom a direction has been issued under section [56, 57, 58 or 59] *55, 56 or 57* to remove himself from an area— Procedure on failure of person to leave the area and his entry therein after removal.

(*i*) fails to remove himself as directed,

or

(*ii*) having so removed himself, except with the permission in writing of the authority making the order, enters the area *within the period specified in the order*,

[(*a*) if the direction was issued under section 56 within two years from the date of his removal,

(*b*) if the direction was issued under section 57, 58 or 59 at any time,]

the authority concerned may cause him to be arrested and removed in police custody to such place outside the area as the said authority may in each case prescribe.

[64.] *63.* (*1*) The State Government may, by order, permit any person in respect of whom an [externment] order has been made under section [56, 57, 58 or 59,] *55, 56 or 57*, to enter or return for a temporary period to the area from which he was directed to remove himself, subject to such conditions as it may by general or special order specify and which such person accepts and may, at any time, revoke any such permission. Temporary permission to enter or return to the area from which a person was directed to remove himself.

(*2*) In permitting a person under sub-section (*1*) to enter or return to the area from which he was directed to remove himself, the State Government may require him to enter into bond with or without surety for the observance of the conditions imposed.

(*3*) Any person permitted under sub-section (*1*) to enter or return to the area from which he was directed to remove himself shall, surrender himself at the time and place and to the authority specified in the order or in the order revoking the said order, as the case may be.

Chapter VI.

Executive powers and duties of the Police.

[65.] *64.* It shall be the duty of every Police officer— Duties of a Police officer.

(*a*) promptly to serve every summons and obey and execute every warrant or other order lawfully issued to him by competent authority, and to endeavour by all lawful means to give effect to the lawful commands of his superior;

(*b*) to the best of his ability to obtain intelligence concerning the commission of cognizable offences or designs to commit such offences, and to lay such information and to take such other steps, consistent with law and with the orders of his superiors, as shall be best calculated to bring offenders to justice or to prevent the commission of cognizable, and within his view of non-cognizable offences ;

(*c*) to prevent to the best of his ability the commission of public nuisances ;

(*d*) to apprehend *without unreasonable delay* all persons whom he is legally authorised to apprehend and for whose apprehension there is sufficient reason ;

(*e*) to aid another Police officer when called on by him or in case of need in the discharge of his duty, in such ways as would be lawful and reasonable on the part of the officer aided ;

(*f*) to discharge such duties as are imposed upon him by any law for the time being in force.

Power to enter places of public resort.

[66.] *65.* (*1*) Every Police officer may, subject to the rules and orders made by the State Government or by a person lawfully authorized, enter for any of the purposes referred to in section [65] *64* without a warrant, and inspect any place of public resort which he has reason to believe is used as drinking shop, or a shop for the sale of intoxicating drugs or a place of resort of loose and disorderly characters.

Power to search suspected persons in a street.

(*2*) When in a street or a place of public resort a person has possession or apparent possession of any article which a Police officer in good faith suspects to be stolen property, such Police officer may search for and examine the same and may require an account thereof, and, should the account given by the possessor be manifestly false or suspicious, may detain such article and report the facts to a Magistrate, who shall thereon proceed according to sections 523 and 525 of the Code of Criminal Procedure, 1898, or other law in force. V of 1898.

Duties of Police officers towards the public.

[67.] *66.* It shall be the duty of every Police officer—

(*a*) to afford every assistance within his power to disabled or helpless persons in the streets, and to take charge of intoxicated persons and of lunatics at large who appear dangerous or incapable of taking care of themselves ;

(*b*) to take prompt measures to procure necessary help for any person under arrest or in custody, who is wounded or sick, and whilst guarding or conducting any such person, to have due regard to his condition ;

(*c*) to arrange for the proper sustenance and shelter of every person who is under arrest or in custody ;

(*d*) in conducting searches, to refrain from needless rudeness and the causing of unnecessary annoyance ;

(*e*) in dealing with women and children, to act with strict regard to decency and with reasonable gentleness ;

(*f*) to use his best endeavours to prevent any loss or damage by fire ;

(*g*) to use his best endeavours to avert any accident or danger to the public.

[68.] *67.* It shall be the duty of a Police officer— Police to regulate traffic, etc. in streets.

(*a*) to regulate and control the traffic in the streets, to prevent obstructions therein and, to the best of his ability, to prevent the infraction of any rule or order made under this Act or any other law in force for observance by the public in or near the streets;

(*b*) to keep order in the streets and at and within public bathing, washing and landing places, fairs, temples and all other places of public resort and in the neighbourhood of places of public worship during the time of public worship;

(*c*) to regulate resort to public bathing, washing and landing places, to prevent overcrowding thereat and in public ferry-boats and, to the best of his ability, to prevent the infraction of any rule or order lawfully made for observance by the public at any such place or on any such boat.

[69.] *68.* All persons shall be bound to conform to the reasonable directions of a Police officer given in fulfilment of any of his duties under this Act. Persons bound to conform to reasonable orders of Police.

[70.] *69.* A Police officer may restrain or remove any person resisting or refusing or omitting to conform to any [such] direction [as aforesaid] *referred to in section 68* and may either take such person before a Magistrate or, in trivial cases, may release him when the occasion is past. Power of Police officer to restrain, remove, etc.

[71.] *70.* Whenever a notification has been duly issued under section [38] *37* or an order has been made under section [39 or 40] *38 or 39*, it shall be lawful for any Magistrate in a District or Police officer to require any person acting or about to act contrary thereto to desist or to abstain from so doing, and, in case of refusal or disobedience, to arrest the person offending. Such Magistrate or Police officer may also seize any object or thing used or about to be used in contravention of such notification, or order as aforesaid, and the thing seized shall be disposed of according to the order of any District Magistrate having jurisdiction at the place. Enforcement of orders issued under section [37, 39 or 40,] *37, 38 or 39*.

[72.] *71.* It shall be the duty of the Police to see that every regulation and direction made by any authority under section [44, 56, 57, 58 or 59] *43, 55, 56 or 57* is duly obeyed, to warn persons who from ignorance fail to obey the same and to arrest any person who wilfully disobeys the same. Duty of Police to see orders issued under section [44, 56, 57, 58, or 59] *43, 55, 56 or 57* are carried out.

[73.] *72.* Any Police officer may, without any order from a Magistrate and without a warrant, arrest— When Police officer may arrest without warrant.

(*1*) any person who has been concerned in an offence punishable under section [122] *121* or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists, of his having been [so] concerned *in such offence*;

(*2*) any person who contravenes a rule or order under clause (*x*) of sub-section (*1*) of section [34] *33* or an order or notification under section [37, 38, 57, 58 or 59] *36, 37, 56* or *57*;

(*3*) any person who commits an offence punishable under section [123] *122* or section [137] *136*.

When Police may arrest without a warrant.

[74.] *73.* Any Police officer may, without an order from a Magistrate and without a warrant, arrest any person committing in his presence any offence punishable under section 3, 3A, 4, 5, 6 or 6C of the Prevention of Cruelty to Animals Act, 1890. XI of 1890.

Powers with regard to offences under Act XI of 1890.

[75.] *74.* When in respect of an animal an offence under section 3 or section 5 or sub-section (*1*) of section 6 of the Prevention of Cruelty to Animals Act, 1890, hereinafter in this section and in sections [76 and 78] *75 and 77* referred to as the said Act has been committed, or, when there is a reasonable ground for suspecting that such offence has been committed, a Police officer may— XI of 1890.

(*a*) take the animal to a Magistrate, or

(*b*) if the accused person so requires, take the animal to a veterinary officer, if any, empowered by the State Government in this behalf, or

(*c*) take the animal to an infirmary appointed under sub-section (*2*) of section 6 of the said Act for treatment and detention therein, pending direction of a Magistrate under sub-section (*3*) of the said section, or

(*d*) when the animal is in such a physical condition that it cannot be taken to a veterinary officer or a Magistrate, draw up a report of the condition of the animal in the presence of two or more respectable persons describing such wounds, sores, fractures, bruises, or other marks of injury as may be found on the body of the animal :

Provided that in cases falling under clause (*b*) or (*d*) the Police officer may direct that the animal shall be sent for detention in a dispensary or any suitable place approved by the State Government by general or special order and be there detained until its production before a Magistrate :

Provided further that an animal so detained shall be produced before a Magistrate with the least possible delay and within a period not exceeding three days from the date on which it was sent for detention and shall be handed over to its owner unless the Magistrate passes an order for its further detention in an infirmary.

Power of Magistrate to return animal to person from whose possession it was taken.

[76.] *75.* When an animal is brought before a Magistrate under section [75] *74*, the Magistrate may direct the animal to be returned to the person from whose possession it was taken, on such person giving security to the satisfaction of the Magistrate, binding himself to produce the animal when required, or may direct that the animal shall be sent for treatment and care to an infirmary and be there detained as provided in sub-section (*3*) of section 6 of the said Act or may make such order as he thinks fit regarding the disposal or custody and production of the animal.

Veterinary officer to examine the animal.

[77.] *76.* The veterinary officer before whom an animal is brought under section [75] *74* shall with all convenient speed examine the same and draw up a report of such examination. A copy of the report shall be delivered free of charge to the accused person if he applies for it.

Animal to be dealt with under Act XI of 1890.

[78.] *77.* When under section [75] *74* a Police officer directs that an animal shall be sent for detention in a dispensary or any suitable place before its production before a Magistrate or under section [75] *74* a Magistrate directs that an animal shall be sent for treatment and care to an infirmary and be detained therein, the provisions of sub-sections (*5*), (*6*), (*7*) and (*8*) of section 6 of the said Act shall, so far as may be, apply.

[79] *78.* When a Police officer in good faith suspects that any animal being employed in any work or labour is, by reason of any sore, unfit to be so employed, he may require the person in charge of such animal to unsaddle or unload it for the purpose of ascertaining whether any sore exists and, if such person refuses to do so, may himself unsaddle or unload the animal or may cause the same to be unsaddled or unloaded. Power of Police officer to unsaddle the animal or unload.

[80] *79.* Any Police officer may, without an order from a Magistrate and without a warrant, arrest any person committing in his presence any offence punishable under section [123 or 126 or 131] *122 or 125 or 130* or under section [118] *117*, clause (*i*) of section [136] *135* or clause (*i*), (*iv*) or (*v*) of section [132] *131* in respect of a contravention of a rule made under clause (*b*) of sub-section (*1*) of section [34] *33* prohibiting the occupation of or sale or exposure for sale of any goods on any street or portion thereof so as to cause obstruction to traffic or inconvenience to the public or of any rule made under clause (*h*), (*r*) (*ii*) or (*u*) of sub-section (*1*) of section [34] *33* or of a prohibition given under clause (*a*), (*b*) or (*c*) of sub-section (*1*) of section [38] *37*, clause (*i*) of section [101] *100*, section [107, 111, 113, 114] *106, 110, 112, 113* or clause (*a*) of section [116] *115*. When Police may arrest without warrant.

[81] *80.* (*1*) Any Police officer specially empowered in this behalf by a competent authority may arrest without warrant for an offence specified in section [111] *110*. Other powers of arrest.

(*2*) Any Police officer may, on the information of any person in possession or charge of any dwelling house, private premises, or land or ground attached thereto, arrest without warrant any person alleged to have committed therein or thereon an offence punishable under section [121] *120*.

[82] *81.* A Police officer may arrest without warrant any person committing in his presence in any street or public place any non-cognizable offence punishable under this Act, or under any rule made thereunder and for which no express provision has been made elsewhere or under any other law for the time being in force, if such person— Refusal to obey warning or to accompany Police.

(*i*) after being warned by a Police officer persists in committing such offence, or

(*ii*) refuses to accompany the Police officer to a Police Station on being required so to do.

[83] *82.* (*1*) The Police shall take temporary charge— Police to take charge of unclaimed property.

(*a*) of all unclaimed property found by, or made over to them, and also

(*b*) of all property found lying in any public street, if the owner or person in charge of such property on being directed to remove the same, refuses or omits to do so.

(*2*) In Greater Bombay the property of which the Police have taken charge under sub-section (*1*) shall be handed over to the Commissioner.

[84] *83.* (*1*) In Greater Bombay if any property of the nature referred to in section [83] *82* appears to have been left by a person who has died intestate, and not to be under [two] *four* hundred rupees in value, the Commissioner shall communicate with the Administrator General, with a view to its being dealt with under the provisions of the Administrator General's Act, 1913, or other law for the time being in force. Intestate property over [two] *four* hundred rupees in value.

(*2*) In areas outside Greater Bombay the property shall be delivered to the police-patel, if any, of the town or village in which the same was found, and a receipt therefor taken from the police-patel, who shall forward such property to the Magistrate to whom such police-patel is subordinate. If in any such case there be no police-patel of such town or village, the Police shall forthwith report to such Magistrate as the Magistrate of the district shall, from time to time, appoint in this behalf, and act thereafter as the said first mentioned Magistrate shall direct.

Intestate property over [ten] *four hundred* rupees in value.

[85] *84.* If the property regarding which a report is made to a Magistrate under section [84] *83* or under section 19 of the Bombay Village Police Act, 1867, appears to such Magistrate to have been left by a person who has died intestate and without known heirs and to be likely, if sold in public auction, to realise more than [ten] *four hundred* rupees net proceeds, he shall communicate with the District Judge with a view to its being dealt with under the provisions of section 10 of Bombay Regulation VIII of 1827 (a Regulation to provide for the formal recognition of heirs, etc.) or other law in force. Bom. VIII of 1867.

Procedure in other cases.

[86] *85.* (*1*) In any case not covered by section [84] *83* or [85] *84* the Commissioner or the Magistrate concerned, as the case may be, shall issue a proclamation specifying the articles of which such property consists and requiring any person who may have a claim thereto to appear before himself or some other officer whom he appoints in this behalf and establish his claim within six months from the date of such proclamation.

Power to sell perishable property at once.

(*2*) If the property, or any part thereof, is subject to speedy and natural decay, or consists of live-stock, or if the property appears to be of less value than five rupees, it may be forthwith sold by auction under the orders of the Commissioner, or the Magistrate concerned, as the case may be, and the net proceeds of such sale shall be dealt with in the same manner as is hereinafter provided for the disposal of the said property.

Delivery of property to person entitled.

[87] *86.* (*1*) The Commissioner or the Magistrate concerned, as the case may be, *shall*, on being satisfied of the title of any claimant to the possession or administration of [such property] *the property specified in the proclamation issued under sub-section (1) of section 85*, order the same to be delivered to him, after deduction or payment of the expenses properly incurred by the Police in the seizure and detention thereof.

Power to take security.

(*2*) The Commissioner or the Magistrate concerned, as the case may be, may, at his discretion, before making any order under sub-section (*1*), take such security as he may think proper from the person to whom the said property is to be delivered, and nothing hereinbefore contained shall affect the right of any person to recover the whole or any part of the same from the person to whom it may have been delivered pursuant to such order.

In default of claim, property to be at disposal of State Government.

[88] *87.* If no person establishes his claim to such property within [such period] *the period specified in the proclamation* it shall be at the disposal of the State Government, and the property, or such part thereof as has not already been sold under sub-section (*2*) of section [86] *85*, may be sold by auction under the orders of the Commissioner, or the Magistrate concerned, as the case may be.

XXXIX of 1925.
III of 1913.

[89] *88.* Nothing in the Indian Succession Act, 1925, or in the Administrator General's Act, 1913, shall apply to intestate property which is dealt with by the Commissioner, under sub-section (*1*) of section [86] *85*, nor shall the provisions of section 10 of Regulation VIII of 1827 likewise be deemed to apply to intestate property which is dealt with by a Magistrate under sub-section (*1*) of section [86] *85*. Procedure not affected by Indian Succession Act or Administrator General's Act or Regulation VIII of 1827.

I of 1871.

[90] *89.* In any area outside Greater Bombay, a Police officer may take charge of any animal falling under the provisions of the Cattle Trespass Act, 1871, which may be found straying in a street, and may take or send the same to the nearest pound, and the owner and other persons concerned shall thereon become subject to the provisions of the said Act. Police officer may take charge of stray cattle.

[91] *90.* (*1*) In Greater Bombay, the Commissioner and in other areas to which the State Government may by notification in the *Official Gazette* extend the provisions of this section and sections [92, 93, 94 and 95] *91, 92, 93 and 94* of this Act, any officer appointed in that behalf by the State Government shall, from time to time, appoint such places as he thinks fit to be public pounds, and may appoint to be keepers of such pounds Police officers of such rank as may be approved by the State Government. Power to establish cattle-pounds and appoint pound-keepers.

(*2*) Every pound-keeper so appointed shall, in the performance of his duties, be subject to the direction and control of the Commissioner, or such officer as aforesaid.

[92] *91.* It shall be the duty of every Police officer, and it shall be lawful for any other person, to seize and take to any such public pound for confinement therein, any cattle found straying in any street or trespassing upon any private or public property in Greater Bombay or in such areas as aforesaid. Impounding of cattle.

[93] *92.* If the owner of the cattle impounded under section [92] *91* or his agent appears and claims the cattle, the pound-keeper shall deliver them to him on payment of the pound-fees and expenses chargeable in respect of such cattle under section [95] *94*. Delivery of cattle claimed.

[94] *93.* (*1*) If within ten days after an animal has been impounded no person appearing to be the owner of such animal offers to pay the pound-fee and expenses chargeable under section [95] *94*, such animal shall be forthwith sold by auction, and the surplus remaining after deducting the fee and expenses aforesaid from the proceeds of the sale shall be paid to any person who, within fifteen days after the sale, proves to the satisfaction of such officer as the Commissioner authorises in this behalf or any other officer appointed under section [91] *90* that he was the owner of such animal, and shall, in any other case, form part of the consolidated fund of the State. Sale of cattle not claimed.

(*2*) No Police officer or pound-keeper shall, directly or indirectly, purchase any cattle at a sale under sub-section (*1*).

[95] *94.* (*1*) The pound-fee chargeable shall be such as the State Government may *from time to time* by notification in the *Official Gazette*, specify for each kind of animal for the whole State or for such area as may be specified in the notification. Rate to be fixed by notification.

[Provided that the State Government may, by notification in the *Official Gazette*, from time to time alter the pound-fee to be charged in the case of any animal to

an amount not exceeding double the pound-fee chargeable under the foregoing scale.]

(2) The expenses chargeable shall be at such rates for each day during any part of which an animal is impounded, as shall from time to time be fixed by the Commissioner or any officer appointed as aforesaid in respect of such animal.

Powers as to inspection, search and seizure of false weights and measures.

[96] *95.* (1) Notwithstanding anything contained in section 153 of the *Code of* Criminal Procedure [Code], 1898, any Police officer generally or specially deputed, in Greater Bombay, by the Commissioner and elsewhere, by the District Superintendent or any other officer specially empowered in that behalf by the State Government, may without warrant enter any shop or premises for the purpose of inspecting or searching for any weights or measures or instruments for weighing or measuring used or kept therein. V of 1898.

(2) If he finds in such shop or premises weights, measures or instruments for weighing or measuring which he has reason to believe are false, he may seize the same and shall forthwith give information of such seizure to the Magistrate having jurisdiction, and if such weights, measures or instruments shall be found by the Magistrate to be false, they shall be destroyed.

(3) Weights and measures purporting to be of the same denomination as weights and measures, the standards whereof are kept under any law from time to time in force *shall* if they do not correspond with the said standards, be deemed to be false within the meaning of this section.

Procedure to be followed by officers and Magistrates in certain cases.

[97] *96.* (1) Notwithstanding anything contained in sections 129, 130, sub-section (2) of section 167, and section 173 of the Code of Criminal Procedure, 1898— V of 1898.

(*i*) the powers and duties of a Magistrate under sections 129 and 130 of that Code may, in Greater Bombay, be exercised and performed by the Commissioner,

(*ii*) the Presidency Magistrate in Greater Bombay to whom an accused person is forwarded under sub-section (2) of section 167 *of the Code*, may, whether he has or has not jurisdiction to try the case, from time to time, authorise the detention of the accused in such custody as such Magistrate thinks fit for a term not exceeding fifteen days at a time,

(*iii*) the officer in charge of the Police station shall forward his report under section 173 of the Code to the Commissioner or such other officer as the Commissioner may direct in that behalf.

(2) Nothing contained in section 62 of the Code of Criminal Procedure, 1898, shall operate to require any officer in charge of a Police Station in Greater Bombay to submit any report provided for by that section to any Magistrate. V of 1898.

(3) Sections 127 and 128 of the Code of Criminal Procedure, 1898, in their application to Greater Bombay shall be amended as follows:— V of 1898.

(*a*) in section 127, for the words "police station" the words "section or any police officer not below the rank of a sub-inspector authorised by the State Government in this behalf" shall be substituted;

(*b*) in section 128, for the words "police station whether within or without the presidency-towns" the words and figures "section or any police officer authorised under section 127" shall be substituted.

[98] *97.* A Police officer of rank superior to that of constable may perform any duty assigned by law or by a lawful order to any officer subordinate to him; and in case of any duty imposed on such subordinate, a superior where it shall appear to him necessary, may aid, supplement, supersede or prevent any action of such subordinate by his own action or that of any person lawfully acting under his command or authority, whenever the same shall appear necessary or expedient for giving more complete or convenient effect to the law or for avoiding an infringement thereof. A superior Police Officer may himself perform duties imposed on his inferior, etc.

[99] *98.* (*1*) The State Government may, by notification in the *Official Gazette*, declare any specified service to be an essential service to the community: Emergency duties of Police.

Provided that such notification shall remain in force for one month in the first instance, but may be extended, from time to time, by a like notificaton.

(*2*) Upon a declaration being made under sub-section (*1*) and so long as it remains in force, it shall be the duty of every Police officer to obey any order given by any superior officer in relation to employment upon or in connection with the service specified in the declaration; and every such order shall be deemed to be a lawful order within the meaning and for the purposes of this Act.

CHAPTER VII.

Offences and Punishments.

[100] *99.* No person shall— Disregarding the rule of the road.

(*a*) when driving a vehicle along a street and except in cases of actual necessity or of some sufficient reason, for deviation, fail to keep, on the left side of such street and when passing any other vehicle proceeding in the same direction fail to keep on the right side of such vehicle; or

(*b*) leave in any street or public place insufficiently tended or secured any animal or vehicle Leaving cattle, etc., insufficiently tended.

[101] *100.* No person shall cause obstruction, damage, injury, danger, [or] alarm or mischief in any street or public place,— Causing obstruction or mischief by animal.

(*i*) by any misbehaviour, negligence or ill-usage in the driving, management, treatment or care of any animal or vehicle; or

(*ii*) by driving any vehicle or animal laden with timber, poles, or other unwieldy articles through a street or public place contrary to any regulation made in that behalf and published by [the Commissioner, by a District Magistrate or District Superintendent in areas under their respective charge] *a competent authority*.

[102] *101.* No person shall in any street or public place expose for hire or sale any animal or vehicle, clean any furniture or vehicle, or clean or groom any horse of other animal, except at such times and places as [the Commissioner in Greater Bombay, and a District Magistrate or District Superintendent elsewhere] *a competent authority* permits, or shall train or break in any horse or other animal or make any vehicle or any part of a vehicle, or except when in the case of an accident repairing on the spot is unavoidable, repair any vehicle or part of a vehicle or carry on therein any manufacture or operation so as to be a serious impediment to traffic or a serious annoyance to residents or to the public. Exposing animal for hire or sale etc.

Causing any obstruction in a street.

[103] *102.* No person shall cause obstruction in any street or public place by allowing any animal or vehicle which has to be loaded or unloaded, or to take up or set down passengers, to remain or stand therein longer than may be necessary for such purpose, or by leaving any vehicle standing or fastening any cattle therein, or using any part of a street or public place as a halting place for vehicles or cattle, or by leaving any box, bale, package or other thing whatsoever in or upon a street for an unreasonable length of time or contrary to any regulation made and published by [the Commissioner, a District Magistrate or District Superintendent], *a competent authority* by exposing anything for sale or setting out anything for sale in or upon any stall, booth, board, cask, basket or in any other way whatsoever.

Obstructing a footway.

[104] *103.* No person shall drive, ride, lead, propel or leave on any footway any animal or vehicle other than a perambulator or fasten any animal so that the same can stand across or upon such footway.

Exhibiting mimetic, musical or other performances, etc.

[105] *104.* No person shall exhibit, contrary to any regulation made and notified by the Commissioner or a District Magistrate, as the case may be, any mimetic, musical or other performances of a nature to attract crowds, or carry or place bulky advertisements, pictures, figures or emblems in any street or public place whereby an obstruction to passengers or annoyance to the inhabitants may be occasioned.

Doing offensive acts on or near street or public place.

[106] *105.* No person shall slaughter any animal, clean a carcass or hide, or bathe or wash his person in or near to and within sight of a street or public place (except at a place set apart for the purpose by order of [the Commissioner, a District Magistrate or District Superintendent or some other person having lawful authority in that behalf] *a competent authority*) so as to cause annoyance to the neighbouring residents or to passers by.

Letting loose horse etc. and suffering ferocious dogs to be at large.

[107] *106.* No person shall in any street or public place (A) negligently let loose any horse or other animal, so as to cause danger, injury, alarm or annoyance, or suffer a ferocious dog to be at large without a muzzle, or (B) set on or urge a dog or other animal to attack, worry or put in fear any person or horse or other animal.

Bathing or washing in places not set apart for those purposes.

[108] *107.* No person shall bathe or wash in or by the side of a public well, tank, or reservoir not set apart for such purpose by order of [the Commissioner, a District Magistrate, or District Superintendent or of some other person having lawful authority in that behalf] *a competent authority*, or in or by the side of any pond, pool, aqueduct, part of a river, stream, nala or other source or means of water-supply in which such bathing or washing is forbidden by order of the [Commissioner, a District Magistrate, District Superintendent or other person having lawful authority in that behalf.] *competent authority.*

Defiling water in public wells, etc.

[109] *108.* No person shall defile or cause to be defiled, the water in any public well, tank, reservoir, pond, pool, aqueduct or part of a river, stream, nala or other source or means of water-supply, so as to render the same less fit for any purpose for which it is set apart [as aforesaid] *by the order of the competent authority.*

Obstructing bathers.

[110] *109.* No person shall obstruct or incommode a person bathing at a place set apart for the purpose [as aforesaid] *by the order of the competent authority under section 107* by wilful intrusion or by using such place for any purpose for which it is not so set apart.

[111] *110.* No person shall wilfully and indecently expose his person in any street or public place or within sight of, and in such manner as to be seen from, any street or public place, whether from within any house or building or not, or use indecent language or behave indecently or riotously or in a disorderly manner in a street or place of public resort or in any office, station or station house. Behaving indecently in public.

[112] *111.* No person shall wilfully push, press, hustle or obstruct any passenger in a street or public place *or* by violent movements, menacing gestures, wanton personal annoyance, screaming, shouting, wilfully frightening horses or cattle or otherwise disturb the public peace or order. Obstructing or annoying passengers in the street.

[113] *112.* No person shall use in any street or public place any threatening, abusive or insulting words or behaviour with intent to provoke a breach of the peace or whereby a breach of the peace may be occasioned. Behaviour with intent to provoke a breach of the peace.

[114] *113.* No person shall fly a kite so as to cause danger, injury or alarm to persons, houses or property. Prohibition against flying kite.

[115] *114.* No person shall beg importunately for alms or direct or permit children under his control to beg for alms, or expose or exhibit, with the object of exciting charity, any deformity or disease or any offensive sore or wound, in, or near to, and within sight of, any street. Begging and exposing offensive ailments.

[116] *115.* No person shall in or near to any street, public place or place of public resort— Committing nuisance in or near street, etc.

(*a*) commit a nuisance by easing himself, or

(*b*) having the care or custody of any child under seven years of age suffer such child to commit a nuisance as aforesaid.

[117] *116.* No person shall, in any Court, Police Station, Police office, building occupied by Government or building occupied by any public body, smoke or spit in contravention of a notice by a competent authority in charge of such place and affixed to such Court, Station, office or building. Disregard of notice in public building.

[118] *117.* Any person who contravenes any of the provisions of sections [100 to 117] *99 to 116* (both inclusive) shall, on conviction, be punished with fine which may extend to fifty rupees. Penalties for offenders under sections [100 to 117] *99 to 116.*

[119] *118.* (*1*) In any local area in which the State Government by notification in the *Official Gazette* brings this section into force, whoever through neglect or otherwise fails to keep in confinement or under restraint between one hour after sunset and sunrise any cattle which are his property or in his charge shall, on conviction, be punished with fine which may extend to one hundred rupees or on a second or any subsequent conviction, with fine which may extend to five hundred rupees or with imprisonment which may extend to six months or with both. Penalty for failure to keep in confinement cattle, etc.

Explanation.—Cattle shall not be deemed to be kept in confinement within the meaning of this sub-section unless they are effectively confined within a fence, wall or other enclosure and shall not be deemed to be kept under restraint within the meaning of this sub-section unless they are restrained by means of a rope or other attachment.

(2) Any person may seize any cattle not being kept in confinement or under restraint as required by this section and may take or send the same to the nearest cattle-pound, and the owner and other persons concerned shall thereon become subject to the provisions of the Cattle Trespass Act, 1871. All officers of Police and all police patels and all members of the village police shall, when required, aid in preventing resistance to such seizures and rescues from persons making such seizures. [of 1871.

(3) Any fine imposed under this section, may without prejudice to any other means of recovery provided by law, be recovered by sale of all or any of the cattle in respect of which the offence was committed, whether they are the property of the person convicted of the offence or were only in his charge when the offence was committed.

Punishment for cruelty to animals.

[120] *119.* Whoever in any place outside Greater Bombay cruelly beats, goads, overworks, ill-treats or tortures or causes or procures to be cruelly beaten, goaded, over-worked, ill-treated or tortured any animal, shall, on conviction, be punished with imprisonment which may extend to one month or with fine which may extend to one hundred rupees, or with both.

Wilful trespass.

[121] *120.* Whoever without satisfactory excuse wilfully enters or remains in or upon any dwelling house or premises or any land or ground attached thereto, or on any ground, building, monument or structure belonging to Government or appropriated to public purposes, or on any boat or vessel, shall, on conviction, whether he causes any actual damage or not, be punished with fine which may extend to twenty rupees.

False alarm of fire or damage to fire-alarm.

[122] *121.* Whoever knowingly gives or causes to be given a false alarm of fire to the fire brigade of a municipality or corporation or to any officer or fireman thereof whether by means of a street fire-alarm, statement, message or otherwise, or, with intent to give such false alarm, wilfully breaks the glass of, or otherwise damages a street fire-alarm, shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one hundred rupees or with both.

[123] *122.* Whoever is found between sunset and sunrise—

Being found under suspicious circumstances between sunset and sunrise.

(*a*) armed with any dangerous instrument with intent to commit an offence, or

(*b*) having his face covered, or otherwise disguised, with intent to commit an offence, or

(*c*) in any dwelling-house or other building, or on board any vessel or boat without being able satisfactorily to account for his presence there, or

(*d*) lying or loitering in any street, yard or other place, being a reputed thief and without being able to give a satisfactory account of himself, or

(*e*) having in his possession without lawful excuse (the burden of proving which excuse shall be on such person) any implement of house-breaking,

shall, on conviction, be punished with imprisonment for a term which may extend to three months.

[124.] *123.* Whoever not being a member of the armed forces of the Union and acting as such or a Police officer, goes armed with any sword, spear, bludgeon, gun or other offensive weapon or with any explosive or corrosive substance in any street or public place unless so authorised by lawful authority, shall be liable to be disarmed by any Police officer, and the weapon or substance so seized shall be forfeited to the State Government, unless redeemed within two months by payment of such fine not exceeding five hundred rupees as the Commissioner [and] *or* the District Magistrate in areas under their respective charges imposes. Carrying weapon without authority.

[125.] *124.* Whoever has in his possession or conveys in any manner, or offers for sale or pawn, anything which there is reason to believe is stolen property or property fraudulently obtained, shall, if he fails to account for such possession or to act to the satisfaction of the Magistrate, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one hundred rupees or with both. Possession of property of which no satisfactory account can be given.

[126.] *125.* Whoever— Taking spirits into public hospital

(*a*) takes or introduces, or attempts to take or introduce, any spirits or spirituous or fermented liquors or intoxicating drugs or preparations into any public hospital without the permission of a medical officer of such hospital, or

(*b*) not being amenable to the Articles of War takes or introduces, or attempts to take or introduce, any such spirits, liquors, drugs or preparations not belonging to any person above the rank of a non-commissioned officer, or into barracks or on boards of vessels of war..

(*i*) into the barracks or buildings occupied by the troops composing the Garrison of Bombay or into any military barracks, guard-rooms or encampments, or

(*ii*) on board or alongside of any vessel of war belonging to Government,

shall, on conviction, be punished with imprisonment for a term which may extend to two months, or with fine which may extend to one hundred rupees, or with both and such spirits, liquor, drugs or preparations and the vessels containing the same, shall be forfeited to the State Government.

[127.] *126.* Whoever, being a pawn-broker, dealer in second-hand property, or worker in metals, or reasonably believed by the Commissioner, or District Superintendent in the areas under their respective charges to be such a person, and having received from a Police officer written or printed information that the possession of any property suspected to have been transferred by any offence mentioned in section 410 of the Indian Penal Code, or by any offence punishable under section 417, 418, 419 or 420 of the said Code, is found in possession or thereafter comes into the possession, or has an offer either by way of sale, pawn, exchange, or for custody, alteration or otherwise howsoever, made to him, of property answering the description contained in such information, shall, unless— Omission by pawn-brokers etc. to report to Police possession or tender of property suspected to be stolen.

XLV of 1860.

(*i*) he forthwith gives information to the Commissioner, or the District Superintendent, as the case may be, or at a Police station of such possession or offer and takes all reasonable means to ascertain and to give information as aforesaid of the name and address of the person from whom the possession or offer was received, or

(*ii*) the property being, as an article of common wearing apparel or otherwise, incapable of identification from the written or printed information given, has been in no way concealed after the receipt of such information,

on conviction, be punished with fine which may extend to fifty rupees in respect of each such article of property so in his possession or offered to him.

Melting, etc., of such property.

[**128.**] *127.* Whoever, having received such information as [aforesaid] *is referred to in section 126*, alters, melts, defaces or puts away or causes or suffers to be altered, melted, defaced or put away without the previous permission of the Police any such property, shall, on proof that the same was stolen property within the meaning of section 410 of the Indian Penal Code, or property in respect of which any offence punishable under section 417, 418, 419 or 420 of the said Code has been committed, be punished with imprisonment for a term which may extend to three years, or with fine, or with both. XLV of 1860.

Taking pledge from child.

[**129.**] *128.* Whoever takes from any child not appearing to be above the age of fourteen years any article whatsoever as a pawn, pledge or security for any sum of money lent, advanced or delivered to such child, or without the knowledge and consent of the owner of the article buys from such child any article whatsoever, shall, on conviction, be punished with fine which may extend to one hundred rupees.

Permission of disorderly conduct at places of public amusement, etc.

[**130.**] *129.* Whoever, being the keeper of any place of public amusement or entertainment, knowingly permits drunkenness or other disorderly behaviour or any gaming whatsoever, in such place, shall, on conviction, be punished with a fine which may extend to one hundred rupees.

Cheating at games.

[**131.**] *130.* Whoever, by any fraud or unlawful device or malpractice in playing at or with cards, dice or other game, or in taking a part in the stakes or wagers, or in betting on the sides or hands of the players, or in wagering on the event of any game, sport, pastime or exercise, wins from any other person, for himself or any other or others, any sum of money or valuable thing, shall be deemed guilty of cheating within the meaning of section 415 of the Indian Penal Code, and be liable to punishment accordingly. XLV of 186

Penalty for contravening rules, etc., under section [34.] *33*

[**132.**] *131.* (*a*) Whoever contravenes any rule or order made under section [34] *33* or contravenes any of the conditions of a licence issued under any such rule or order, or,

(*b*) abets the commission of any offence under clause (*a*), shall, *on conviction*, be punished—

(*i*) if the rule or order under which the said licence was issued was made under clause (*d*), (*g*), (*h*), (*i*), sub-clauses (*i*) and (*ii*) of clause (*r*) or clause (*u*) of sub-section (*1*) of section [34] *33*, with imprisonment [of either description] for a term which may extend to eight days or with fine which may extend to fifty rupees or with both ;

(*ii*) if the rule or order contravened was made under clause (*x*) of sub-section (*1*) of section [34] *33*, with imprisonment [of either description] for a term which may extend to three months or with fine which may extend to five hundred rupees or with both ;

(*iii*) if the rule or order contravened or the rule or order under which the said licence was issued was made under clauses (*n*) and (*o*) of sub-section (*1*) of section [34] *33* with fine which may extend to two hundred rupees;

(*iv*) if the rule or order contravened was made under clause (*b*) of sub-section (*1*) of section [34] *33* and prohibits the sale or exposure for sale of any goods on any street or portion thereof so as to cause obstruction to traffic or inconvenience to the public—

(*a*) for the first offence, with imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees or with both, and

(*b*) for a subsequent offence, with imprisonment for a term which may extend to six months and with fine which may extend to five hundred rupees; and

(*v*) if the rule or order contravened or the rule or order under which the said licence was issued was made under any other clause, with fine which may extend to fifty rupees.

Penalty for disobedience to order under section [32.] *31.*

[**133.**] *132.* Whoever contravenes, disobeys, opposes, or fails to conform to an order under section [32] *31* requiring him to vacate any premises, shall, *on conviction*, be punished with imprisonment which may extend to three months or with fine which may extend to five hundred rupees or with both.

Penalty for contravening rules, etc., under section [36.] *35.*

[**134.**] *133.* Whoever contravenes any rule made under section [36] *35* shall, *on conviction*, be punished with imprisonment [of either description] for a term which may extend to three months or with fine which may extend to [Rs. 200] *two hundred rupees* or with both.

Penalty for contravention of rule etc., under section [37.] *36.*

[**135.**] *134.* Whoever contravenes, disobeys, opposes or fails to conform to any order given by a Police officer under section [37] *36* shall, *on conviction*, be punished with fine which may extend to two hundred rupees.

Penalty for contravention of rules or directions under section [38, 40 or 41.] *37, 39 or 40.*

[**136.**] *135.* Whoever disobeys an order lawfully made under section [38, 40 or 41] *37, 39 or 40* or abets the disobedience thereof shall, *on conviction*, be punished—

(*i*) if the order disobeyed or of which the disobedience was abetted was made under sub-section (*1*) of section [38] *37* or under section [40] *39*, or section [41,] *40*, with imprisonment for a term which may extend to one year but shall not except for reasons to be recorded in writing, be less than four months and shall also be liable to fine, and

(ii) *if the said order was made under sub-section (2) of section 37, with imprisonment for a term which may extend to one month or with fine which may extend to one hundred rupees, and*

[(*ii*)] (iii) if the said order *was* made under sub-section (*3*) of section [38,] *37*, with fine which may extend to [rupees] one hundred *rupees*.

Penalty for contravening rules, ect., made under section [39.] *38.*

[**137.**] *136.* Whoever disobeys any direction lawfully made under section [39] *38* or abets the disobedience thereof shall, *on conviction*, be punished with imprisonment for a terra which may extend to three months or with fine which may extend to five hundred rupees or with both.

Penalty for contravening rules, etc., made under section [42.] *41.*

[138.] *137.* Whoever opposes or fails to conform to any direction given by the Police under section [42] *41* shall, *on conviction*, be punished with fine which may extend to two hundred rupees.

Penalty for failure to comply with order under section [43.] *42.*

[139.] *138.* Whoever fails to comply with an order made under section [43] *42* shall, *on conviction*, be punished with fine which may extend to twenty-five rupees for every day that such order continues to be disobeyed by him.

Penalty for contravention of a regulation made under section [44.] *43.*

[140.] *139.* Whoever contravenes or abets the contravention of any regulation made under section [44] *43* shall, *on conviction*, be punished with imprisonment which may extend to three months or with fine which may extend to two hundred rupees, or with both.

Penalty for contravening directions under section [69.] *68.*

[141.] *140.* Whoever opposes or fails to conform to any direction given by the Police under section [69] *68* or abets the opposition or failure to do so shall, *on conviction*, be punished with fine which may extend to fifty rupees.

Penalty for contravention of directions under section [56, 57, 58 or 59.] *55, 56 or 57.*

[142.] *141.* Whoever opposes or disobeys or fails to conform to any direction issued under section [56, 57, 58 or 59] *55, 56 or 57* or abets opposition to or disobedience of any such direction shall, *on conviction*, be punished with imprisonment which may extend to one year but shall not, except for reasons to be recorded in writing, be less than four months, and shall also be liable to fine.

Penalty for entering area from which person has been directed to remove himself.

[143.] *142.* Notwithstanding anything contained in section [63]*62* any person who, in contravention of a direction issued to him under section [56, 57, 58 or 59] *55, 56 or 57* enters the area from which he was directed to remove himself shall, *on conviction*, be punished with imprisonment for a term which may extend to two years, but shall not, except for reasons to be recorded in writing, be less than six months, and shall also be liable to fine.

Penalty for failure to surrender in accordance with sub-section (*3*) of section [64.] *63.*

[144.] *143.* Whoever fails without sufficient cause to surrender in accordance with sub-section (*3*) of section [64] *63* shall, *on conviction*, be punished with imprisonment which may extend to two years and shall also be liable to fine.

Neglect or refusal to serve as Special Police officer.

[145.] *144.* Any person who having been appointed a Special Police officer under section [22] *21* shall, without sufficient cause, neglect or refuse to serve as such or to obey any lawful order or direction that may be given to him for the performance of his duties, shall, on conviction, be punished with fine which may extend to fifty rupees.

Penalty for making false statement, etc., and for misconduct of Police officers.

[146.] *145.* (*1*) Any person who makes a false statement or uses a false document for the purpose of obtaining employment or release from employment as a Police officer, or

(*2*) any Police officer who (*a*) is guilty of cowardice, or (*b*) resigns his office or withdraws himself from duties thereof in contravention of section [30] *29*, or (*c*) is guilty of any wilful breach or neglect of any provision of law or of any rule or order which as such Police officer, it is his duty to observe or obey, or (*d*) is guilty of any violation of duty for which no punishment is expressly provided by any other law in force,

shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

(*3*) A Police officer who being absent on leave fails, without reasonable cause, to report himself for duty on the expiration of such leave shall, for the purpose of clause (*b*) of sub-section (*2*), be deemed to withdraw himself from the duties of his office within the meaning of section [30] *29*.

Consequence of failure to return to duty after leave.

[147] *146*. Any Police officer, who wilfully neglects or refuses to deliver up his certificate of appointment or of office or any other article, in accordance with the provision of sub-section (*1*) of section [31] *30*, shall, on conviction, be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

Penalty for failure to deliver up certificate of appointment or of office or other article.

[148] *147*. Any Police officer who—

(*a*) without lawful authority or reasonable cause enters or searches, or causes to be entered or searched, any building, vessel, tent or place ;

(*b*) vexatiously and unnecessarily seizes the property of any person ;

(*c*) vexatiously and unnecessarily detains, searches or arrests any person ;

(*d*) offers any unnecessary personal violence to any person in his custody, or

(*e*) holds out any threat or promise not warranted by law,

shall for every such offence, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, or with both.

Vexatious entry, search, arrest, etc., by Police officer.

[149] *148*. Any Police officer who vexatiously and unnecessarily delays forwarding any person arrested to a Magistrate or to any other authority to whom he is legally bound to forward such person, shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, or with both.

Penalty for vexatious delay in forwarding a person arrested.

[150] *149*. Whoever opposes or fails forthwith to comply with any reasonable direction given by a Magistrate or a Police officer under section [71] *70* or abets opposition thereto or failure to comply therewith, shall, *on conviction*, be punished with imprisonment for a term which may extend to one year but shall not except for reasons to be recorded in writing be less than four months and shall also be liable to fine.

Penalty for opposing or not complying with direction given under section [71] *70*.

[151] *150*. Offences against this Act, when the accused person or any one of the accused persons is a Police officer above the rank of a constable, shall not be cognizable except by a Presidency Magistrate or a Magistrate not lower than a second class Magistrate.

Jurisdiction when offender is a Police officer above the rank of constable.

[152.] *151*. It will not, except in obedience to a rule or order made by the State Government or by the competent authority, be incumbent on the Police to prosecute for an offence punishable under section [118, 120, 132, 135, 138, 140, 141 or 145] *117, 119, 131, 134, 137, 139, 140 or 144* when such offence has not occasioned serious mischief and has been promptly desisted from on warning given.

Prosecution for certain offences against the Act to be in the discretion of the Police.

[153] *152.* Nothing in this Act shall be construed to prevent any person from being prosecuted and punished under any other enactment for any offence made punishable by this Act or from being prosecuted and punished under this Act for an offence punishable under any other enactment :

Provided that all such cases shall be subject to the provisions of section 403 of the Code of Criminal Procedure, *1898*. V of 1898.

CHAPTER VIII.

Miscellaneous.

Disposal of fees, rewards, etc.

[154] *153.* All fees paid for licences or written permissions issued under this Act, and all sums paid for the service of processes by Police officers, and all rewards, forfeitures and penalties or shares thereof which are by law payable to Police officers as informers, shall, save in so far as any such fees or sums belong under the provisions of any enactment in force to any local authority, be credited to the State Government :

Provided that with the sanction of the State Government, or under any rule made by the State Government in that behalf, the whole or any portion of any such reward, forfeiture or penalty may, for special services, be paid to a Police officer, or be divided amongst two or more Police officers.

[District Magistrate's authority over Police officers may] be delegated to District Superintendent and may be withdrawn.]

[155 Any District Magistrate may delegate to the District Superintendent any authority which such Magistrate himself possesses for Police purposes over village Police officer, and may withdraw such authority.]

No municipal or other rates to be payable by State Government on Police-buildings.

[156] *154.* No municipal or other local rates shall be payable by the State Government on account of the occupation or use of any house or place in any area other than Greater Bombay by members of the Police Force for the convenient performance of their duties.

Method of proving orders and notifications.

[157] *155.* Any order or notification published or issued by the State Government or by a Magistrate or officer under any provision of this Act, and the due publication or issue thereof, may be proved by the production of a copy thereof in the *Official Gazette*, or of a copy thereof signed by such Magistrate or officer, and by him certified to be a true copy of an original published or issued according to the provisions of the section of this Act applicable thereto.

Rules and orders not invalidated by defect of form or irregularity in procedure.

[158] *156.* No rule, order, direction, adjudication, inquiry or notification made or published, and no act done under any provision of this Act or of any rule made under this Act, or in substantial conformity to the same, shall be deemed illegal, void, invalid or insufficient by reason of any defect of form [or publication] or any irregularity of procedure.

Presumption in prosecutions for contravention of directions issued under section [56, 57, 58 or 59.] *55, 56 or 57.*

[159] *157.* Not withstanding anything contained in any law for the time being in force, in a prosecution for an offence for the contravention of a direction issued under section [56, 57, 58 or 59] *55, 56* or *57* on the production of an authentic copy of the order, it shall, until the contrary is proved and the burden of proving which shall lie on the accused, be presumed—

(*a*) that the order was made by the authority competent under this Act to make it ;

(*b*) that the authority making the order was satisfied that the grounds on or the purpose for which it was made existed, and that it was necessary to make the same ; and

(*c*) that the order was otherwise valid and in conformity with the provisions of this Act.

[**160.**] *158.* If any person permitted under sub-section (*1*) of section [64] *63* fails to observe any condition imposed under the said sub-section or in the bond entered into by him under sub-section (*2*) of the said section his bond shall be forfeited and any person bound thereby shall pay the penalty thereof or show cause to the satisfaction of the Court why such penalty should not be paid.

Forfeiture of bond entered into by person permitted to enter or return to the area from which he was directed to remove himself.

[**161.** No Commissioner, Magistrate or Police officer shall be liable to any penalty or to payment of damages on account of any act done in good faith in pursuance or intended pursuance of any duty imposed on any authority conferred on him by any provision of this Act or of any rule, order or direction lawfully made or given thereunder.]

No Magistrate or Police officer to be liable to penalty or damage for act done in good faith in pursuance of duty.

159. No Magistrate or Police officer shall be liable to any penalty or to payment of damages on account of an act done in good faith, in pursuance or intended pursuance of any duty imposed or any authority conferred on him by any provision of this Act or any other law for the time being in force or any rule, order or direction made or given therein.

[**162.**] *160.* No public servant or person duly appointed or authorised shall be liable [as aforesaid] *to any penalty or to payment of any damages* for giving effect in good faith to any such order or direction issued with apparent authority by the State Government or by a person empowered in that behalf under this Act or any rule [made under any provision thereof], *order or direction made or given thereunder.*

No public servant liable as aforesaid for giving effect in good faith to any rule, order or direction issued with apparent authority.

[**163.**] *161.* (*1*) In any case of alleged offence by the Commissioner, a Magistrate, Police officer or other person, or of a wrong alleged to have been done by such Commissioner, Magistrate, Police officer or other person, by any act done under colour or in excess of any such duty or authority as aforesaid, or wherein it shall appear to the Court that the offence or wrong if committed or done was of the character aforesaid, the prosecution or suit shall not be entertained, or shall be dismissed, if instituted, more than six months after the date of the act complained of.

Suits or prosecutions in respect of acts done under colour of duty as aforesaid not to be entertained, or to be dismissed, if not instituted within six months.

(*2*) In the case of an intended suit on account of such a wrong as aforesaid, the person intending to sue shall be bound to give to the alleged wrong-doer one month's notice at least of the intended suit with a sufficient description of the wrong complained of, failing which such suit shall be dismissed.

In suits as aforesaid one month's notice of suit to be given with sufficient description of wrong complained of.

Plaint to set forth service of notice and tender of amends.

(*3*) The plaint shall set forth that a notice as aforesaid has been served on the defendant and the date of such service, and shall state whether any, and if any, what tender of amends has been made by the defendant. A copy of the said notice shall be annexed to the plaint endorsed or accompanied with a declaration by the plaintiff of the time and manner of service thereof.

Licences and written permissions to specify conditions, etc., and to be signed.

[164.] *162.* (*1*) Any licence or written permission granted under the provisions of this Act shall specify the period and locality for which, and the conditions and restrictions subject to which, the same is granted, and shall be given under the signature of the competent authority and such fee shall be charged therefor as is prescribed by any rule under this Act in that behalf.

Revocation of licences, etc.

(*2*) Any licence or written permission granted under this Act may at any time be suspended or revoked by the competent authority, if any of its conditions or restrictions is infringed or evaded by the person to whom it has been granted, or if such person is convicted of any offence in any matter to which such licence or permission relates.

When licence revoked, etc. grantee to be deemed without licence.

(*3*) When any such licence or written permission is suspended or revoked, or when the period for which the same was granted has expired, the person to whom the same was granted shall, for all purposes of this Act, be deemed to be without a licence or written permission, until the order for suspending or revoking the same is cancelled, or until the same is renewed, as the case may be.

Grantee to produce licence, etc., when required.

(*4*) Every person to whom any such licence or written permission has been granted, shall, while the same remains in force, at all reasonable time, produce the same, if so required by a Police officer.

Explanation.—For the purpose of this section any such infringement or evasion by, or conviction of, a servant or other agent acting on behalf of the person to whom the licence or written permission has been granted shall be deemed to be infringement or evasion by, or as the case may be, conviction of, the person to whom such licence or written permission has been granted.

Public notices how to be given.

[165.] *163.* Any public notice required to be given under any of the provisions of this Act shall be in writing under the signature of a competent authority and shall be published in the locality to be affected thereby, by affixing copies thereof in conspicuous public places, or by proclaiming the same with beat of drums, or by advertising the same in such local newspapers,—English or regional language or Hindi,—as the said authority may deem fit, or by any two or more of these means and by any other means it may think suitable.

Consent, etc., of a competent authority may be proved by writing under his signature.

[166.] *164.* Whenever under this Act, the doing or the omitting to do anything or the validity of anything depends upon the consent, approval, declaration, opinion or satisfaction of a competent authority, a written document signed by a competent authority purporting to convey or set forth such consent, approval, declaration, opinion or satisfaction shall be sufficient evidence thereof.

Signature on notices, etc., may be stamped.

[167.] *165.* Every licence, written permission, notice or other document, not being a summons or warrant or search warrant, required by this Act, or by any rule thereunder, to bear the signature of the Commissioner, shall be deemed to be properly signed if it bears a facsimile of his signature stamped thereon.

Persons interested may apply to State Government to annul, reverse or alter any rule or order.

[168.] *166.* (*1*) In the case of any rule or order made by the State Government under an authority conferred by this Act and requiring the public or a particular class of persons to perform some duty or act, or to conduct or order themselves or those under their control in a manner therein described, it shall be competent to any person interested to apply to the State Government by a memorial given to a Secretary to the State Government to annul, reverse or alter the rule or order aforesaid on the ground of its being unlawful, oppressive or unreasonable.

(2) After such an application as aforesaid and the rejection thereof wholly or in part or after the lapse of four months without an answer to such application or a decision thereon published by the State Government, it shall be competent to the person interested and deeming the rule or order contrary to law to institute a suit against the State for a declaration that the rule or order is unlawful either wholly or in part. The decision in such suit shall be subject to appeal; and a rule or order finally adjudged to be unlawful shall by the State Government be annulled or reversed or so altered as to make it conformable to law. When a suit shall lie to the District Court to declare a rule or order unlawful.

[169] *167.* (1) The enactments specified in Schedule I are hereby repealed: Provided that— Repeal and saving.

(*i*) All rules prescribed, appointments made, powers conferred, orders made or passed, directions and certificates issued, consent, permit, permission or licences given, summons [issued] or [served] warrants issued or served, persons arrested or detained or discharged on bail or bond, search warrants issued, bond forfeited, penalty incurred under any such enactment shall, so far as they are consistent with this Act, be deemed to have been respectively prescribed, made, conferred, [issued and given] *given, passed, served, arrested, detained, discharged, forfeited and incurred* thereunder.

(*ii*) All references made in any Bombay Act to any of the Acts hereby repealed shall be read as if made to the corresponding provision of this Act.

(2) Nothing in sub-section (1) shall be deemed to affect—

(*a*) the validity, invalidity, effect or consequence of anything done or suffered to be done in an area before the date on which the provisions of this Act come into force in such area;

(*b*) any right, [title] *privilege*, obligation or liability already acquired, accrued or incurred before such date;

(*c*) any penalty, forfeiture or punishment incurred or inflicted in respect of any act before such date;

(*d*) any investigation, legal proceeding or remedy in respect of such right, privilege, obligation, liability, penalty, forfeiture or punishment;

(*e*) any legal proceeding pending in any Court or before any officer on the aforesaid date or anything done or suffered to be done in the course of such proceedings; and any such proceeding or any appeal or revisional proceedings arising out of such proceeding shall be instituted, continued or disposed of, as the case may be, as if this Act had not come into force.

(3) The enactment specified in Schedule [II] *III* in its application to the State of Bombay, is hereby amended to the extent and in the manner mentioned in the fourth column thereof.

Bom. VIII of 1867.

[170] *168.* Nothing in this Act shall affect the provisions of the Bombay Village Police Act, 1867, or any enactment which may be made in regard to the reserve Police. Saving of Bombay Village Police Act and enactment relating to reserve Police.

SCHEDULE I.

[*See* Sections 3 and 5 and sub-section (1) of section [169] *167.*]

Year.	No.	Short title.
1	2	3
1890	IV	The Bombay District Police Act, 1890.
1902	IV	The City of Bombay Police Act, 1902.
1949	XVI	The Police Forces (Control and Direction) Act, 1949.

SCHEDULE [III] *II.*

(*See* section 14.)

CERTIFICATE

OF

APPOINTMENT IN THE POLICE FORCE.

No. .....

STATE OF BOMBAY.

Certificate of Appointment issued under Bombay Police Act of 19 .....
.....
Act of 1861.

(Photograph to be affixed in the case of Inspectors and Sub-Inspectors.)

Mr.....
has been appointed as ..... and is invested with the powers, functions and privileges of a Police officer under the *Bombay Police Act of 19*

Act V of 1861

Greater Bombay

In the Bombay District Police

Railway Police.

On the ..... day of ..... 19 .

Signature..... .....

Designation.....

SCHEDULE [II] *III.*

[*See* sub-section (*3*) of section [169] *167.*]

Year.	No.	Short title.	Amendment.
1	2	3	4
1898	V	Code of Criminal Procedure.	In clause (*a*) of sub-section (2) of section 1 of the Act— (*i*) for the words "towns of Calcutta, Madras and Bombay", the words "towns of Calcutta and Madras" shall be substituted; (*ii*) for the words "towns of Calcutta and Bombay" the words "town of Calcutta" shall be substituted.

S. K. SHEODE,
Secretary to the Bombay
Legislative Assembly.

Council Hall,
Bombay, 6th February 1951.

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Separate paging is given to this Part in order that it may be filed as a separate compilation

PART V

[To be translated into Marathi, Gujarati, Kannada and Hindi (in Devnagari script) and the translations to be published in the "Bombay Government Gazette". The dates of publication to be reported.]

BOMBAY LEGISLATURE DEPARTMENT.

Council Hall, Bombay, 7th February 1951.

No. 714.—With reference to the report of the Select Committee on L. A. Bill No. XLIII of 1950 (A Bill to consolidate and amend the law for the regulation of the Police Force in the State of Bombay) published at pages 34 to 38 of the *Bombay Government Gazette*, Part V, dated the 6th February 1951, it is notified that Shri S. L. Karandikar, M.L.A., and Shri H. V. Pataskar, M.L.A., have signed the report and that Shri A. A. Khan, M.L.A., has signed it subject to a minute of dissent as shown below :—

(Minute of Dissent by Shri A. A. Khan, M.L.A.)

I am of opinion that the power given to the Presidency Magistrate to authorise detention for a period not exceeding fifteen days *at a time* is inconsistent with the provisions of the Criminal Procedure Code. In spite of the fact that in the mofussil detention for more than 15 days in Police custody has in no way caused any difficulties in the way of investigation or in any way hampered investigation, clause 96 reproduces the corresponding section of the City Act and there does not exist any justification for difference of procedure in this behalf in Greater Bombay and in the mofussil.

6th February 1951.

(Signed) A. A. KHAN.

S. K. SHEODE,
Secretary to the Bombay
Legislative Assembly.

Bombay, 7th February 1951.

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BOMBAY LEGISLATURE DEPARTMENT.

Council Hall, Bombay, 14th February 1951.

No. 914.—With reference to the report of the Select Committee on L. A. Bill No. XLIII of 1950 (A Bill to consolidate and amend the law for the regulation of the Police Force in the State of Bombay) published at pages 34 to 38 of the *Bombay Government Gazette*, Part V, dated the 6th February 1951, it is notified that Shri T. S. Jadhav, M.L.A., has signed the report subject to a minute of dissent as shown below :—

(Minute of Dissent by Shri T. S. Jadhav, M.L.A.)

The various amendments proposed by the Select Committee can be divided into two catagories. Some of them are verbal aimed at simplifying the Act, while others are substantive. As the matter stands, I disagree with practically all the substantive amendments.

The various substantive amendments aim at increasing the capacity of the police force to coerce, to suppress and to terrorise. I think that the Act as it stood gave so much power to the Commissioner and the D. S. P. that their powers ought to have been curtailed. Especially after the Congress ministries have come in power this ought to have been their aim.

Another reason for reducing these powers was that it is our general experience, and even the present Congress ministers know it, that these powers have been used against political opponents. When British Government ruled India all demonstrations against the established Government were banned.

The new and extensive powers given to the police authorities practically turn the police force into a standing army and the countless number of firings resorted to by the police force lend support to my statement.

In particular, I disagree with them on the following points :—

(1) Under no condition should judicial powers be given to the executive authorities. Section 13 gives the power of the first class magistrate and

Presidency magistrate to the Inspector General and Commissioner. This section should be dropped.

(2) Chapter III deals with the Regulation, Control and Discipline of the police force. Here again the Commissioner and the Inspector General have complete command over the police force. He has a right to dismiss any one from the police force. An appeal against any such dismissal or other punishments lies with the State Government (section 27). This is wrong. Every citizen has a right to go to the Court of Law to get his grievance redressed. I think no law can take it away. Hence this section should go.

Further every policeman is supposed to be on duty for all the 24 hours. This imposition is really monstrous. This means that when a man once enters the police service he should forego his other private life. I propose that the police should have eight hours duty as other Government servants have and for the remaining time of the day they should be free. If this (section 28) continues to remain on this statute book, then the difference between a militia and a police force will completely disappear.

Further the police should be treated as any other Government servant and should have a right of organisation. He should also be given a right to appeal against any injustice done to him through his organisation.

(3) The people should always have a right to demonstrate against any policy of the established Government or against the Government itself. This right is taken away under the plea of maintaining order. In free India all such restrictions ought to be removed. Section 37 (*1*) (*f*) (amended) gives the authority to the Commissioner and the Inspcetor General. Similarly section 37 (*3*) gives them authority to ban assemblies, processions, etc. I think some restriction ought to be placed on this power and I propose this power should be exercised only in consultation with the Mayor of the Corporation or the President of the Municipality or of the District Local Board. Similarly in section 37 (*1*) (*f*) (amended) the words " to undermine the security of or tend to overthrow the State " ought to be deleted.

(4) Chapter V dealing with special measures for maintenance of public order is the most obnoxious and the whole of it should be dropped. The Government is already spending a lot of amount on the maintenance of the Police force. It has also organised Home-guards to help this police force. If now the riots take place in spite of this heavy police force then it is time for the Government to quit. Instead of that extra taxation is imposed and further terrorisation is resorted to.

Further it is unjust to punish the people living in particular locality only because they happened to stay in that locality. This imposition of tax means that the Government expects the people to work as police force.

Further the people should not be made to suffer for the inability of the Government to protect the people. If any riot takes place then the responsibility is wholly on the shoulders of the Government and it must compensate for any damage suffered by anybody. Similarly such an aggrieved person should have a right to seek redress in the Court of Law.

(5) No person should be externed because that is not the way to improve a person who has committed any offence.

12th February 1951. (Signed) T. S. JADHAV.

S. K. SHEODE,
Secretary to the Bombay
Bombay, 14th February 1951. Legislative Assembly.

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